

Senate Bill 8EX2

By: Senators Crotts of the 17th, Harp of the 16th, Paul of the 40th and Lamutt of the 21st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2 elections and primaries generally, so as to comprehensively revise the provisions for voting;
3 to provide that all future primaries and elections shall be conducted by paper ballot or optical
4 scan voting systems; to provide for the provision of such optical scan voting systems by the
5 Secretary of State; to provide for revisions to methods and procedures for conducting
6 elections; to provide for related matters; to provide effective dates; to repeal conflicting laws;
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
11 primaries generally, is amended by striking paragraphs (1), (2), (4), (18), (19), (37), (38),
12 (40), and (41) of Code Section 21-2-2, relating to definitions, in their entirety and inserting
13 in lieu thereof new paragraphs (1), (2), (4), (18), (19), (37), (38), (40), and (41) to read as
14 follows:

15 "~~(1) 'Ballot card' means the tabulating or punch card upon which an elector records his~~
16 ~~or her vote by the use of a vote recorder. 'Ballot card' also means a ballot upon which an~~
17 ~~elector records his or her vote for tabulation by an optical scan tabulating machine.~~

18 (2) ~~'Ballot labels' means the cards, paper, or other material placed on the front of a voting~~
19 ~~machine or vote recorder containing the names of offices and candidates and statements~~
20 ~~of questions to be voted on. Reserved.~~

21 "~~(4) 'Custodian' means the person charged with the duty of testing and preparing the~~
22 ~~voting machine or vote recorder~~ optical scan vote counting for the primary or election
23 ~~and with instructing the poll officers in the use of same."~~

24 "~~(18) 'Official ballot' means a paper ballot which is furnished by the superintendent or~~
25 ~~governing authority in accordance with Code Section 21-2-280, including. Official ballot~~
26 shall also include ballots ballot cards read by optical ~~scanning~~ scan tabulators.

1 (19) ~~'Official ballot label' means a ballot label prepared in accordance with Article 9 of~~
 2 ~~this chapter and delivered by the superintendent to the poll officers in accordance with~~
 3 ~~Code Sections 21-2-328 and 21-2-360. 'Optical scan vote counting system' means a~~
 4 ~~system by which a voter casts his or her vote by filling in an oval or square on a ballot~~
 5 ~~which is then read and recorded by an optical scan tabulating machine in the voter's~~
 6 ~~precinct. Optical scan vote counting system shall include the precinct tabulating~~
 7 ~~machine, the programming devices for the memory packs for the tabulating systems, the~~
 8 ~~voting compartment or booths, and all related equipment necessary for the operation of~~
 9 ~~such optical scan vote counting system. Optical scan vote counting system shall not~~
 10 ~~include ballots or ballots cards, return sheets, tally sheets, or other forms used in an~~
 11 ~~election."~~

12 "(37) 'Tabulating machine' or 'tabulator' means any ~~data processing~~ optical scan device
 13 or machine used in counting ballot cards and tabulating votes thereon.

14 (38) ~~'Vote recorder' means a device into which a ballot card may be inserted so that an~~
 15 ~~elector may record his or her vote for any candidate and for or against any question by~~
 16 ~~punching or marking the ballot card. Reserved.~~

17 "(40) ~~'Voting machine' shall not include a vote recorder or tabulating machine. Reserved.~~

18 (41) 'Write-in ballot' means ~~the paper or other material on which~~ a vote that is cast for
 19 persons whose names do not appear on the official ballot ~~or ballot labels."~~

20 SECTION 2.

21 Said chapter is further amended by striking subsection (c) of Code Section 21-2-45, relating
 22 to authorization to create joint county-municipal boards of elections and boards of elections
 23 and registration, in its entirety and inserting in lieu thereof a new subsection (c) to read as
 24 follows:

25 "(c) The governing authority of any municipality may authorize any county within which
 26 that municipality wholly or partially lies to conduct any or all elections held pursuant to
 27 this chapter. In the event a municipality shall by ordinance authorize such county to
 28 conduct elections, such municipality may request such county to perform any or all of the
 29 functions:

30 (1) That the county shall perform all duties as superintendent of elections as specified
 31 under this chapter; or

32 (2) That the county shall perform all duties as superintendent of elections as specified
 33 under this chapter, with the exception of the qualification of candidates; ~~or~~

34 (3) ~~That the county shall lease or loan any or all of its election equipment to the~~
 35 ~~municipality for the purpose of conducting municipal elections without any responsibility~~
 36 ~~on the part of the county for the actual conduct of the municipal election.~~

1 With reference to any election, such municipality shall pay such county all costs incurred
 2 in performing those functions which the municipality has requested the county to perform;
 3 and, unless otherwise authorized, such county shall only perform those functions
 4 specifically enumerated in the contract. Such county shall have authority to conduct
 5 elections in any and all counties in which any part of such municipality may lie."

6 **SECTION 3.**

7 Said chapter is further amended by striking paragraphs (13) and (14) of subsection (a) of
 8 Code Section 21-2-50, relating to the powers and duties of the Secretary of State and a
 9 certain prohibition, in their entirety and inserting in lieu thereof new paragraphs (13), (14),
 10 and (15) to read as follows:

11 "(13) To prepare and furnish information for citizens on voter registration and voting;
 12 ~~and~~

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

15 (15) To provide optical scan vote counting systems to all counties for use in elections,
 16 including precinct tabulating machines, programming devices, memory packs, voting
 17 booths, and all related equipment for the conduct of elections in this state. Said
 18 equipment shall be uniform throughout the state and shall comply with the provisions of
 19 this chapter."

20 **SECTION 4.**

21 Said chapter is further amended by striking paragraph (5) of Code Section 21-2-70, relating
 22 to the powers and duties of superintendents, in its entirety and inserting in lieu thereof a new
 23 paragraph (5) to read as follows:

24 "(5) To ~~purchase, except voting machines and vote recorders,~~ preserve, store, and
 25 maintain election equipment ~~of all kinds, including voting booths and ballot boxes~~
 26 furnished by the state and to procure ballots and all other supplies for primaries and
 27 elections;"

28 **SECTION 5.**

29 Said chapter is further amended by striking Code Section 21-2-71, relating to the payment
 30 by county or municipality of superintendent's expenses, in its entirety and inserting in lieu
 31 thereof a new Code Section 21-2-71 to read as follows:

32 "21-2-71.

33 The governing authority of each county or municipality shall appropriate annually and
 34 from time to time, to the superintendent of such county or municipality, the funds that it

1 shall deem necessary for the conduct of primaries and elections in such county or
2 municipality and for the performance of his or her other duties under this chapter,
3 including:

4 (1) Compensation of the poll officers, custodians, and other assistants and employees
5 provided for in this chapter;

6 (2) Expenditures and contracts for expenditures by the superintendent for polling places;

7 (3) Purchase or printing, under contracts made by the superintendent, of all ballots and
8 other election supplies required by this chapter, or which the superintendent shall
9 consider necessary to carry out the provisions of this chapter;

10 (4) Maintenance of ~~voting machines, vote recorders, and of all other primaries and~~
11 election equipment required by this chapter; or which the superintendent shall consider
12 necessary to carry out this chapter; and

13 (5) All other expenses arising out of the performance of his or her duties under this
14 chapter."

15 SECTION 6.

16 Said chapter is further amended by striking Code Section 21-2-72, relating to primary and
17 election records to be open to the public, in its entirety and inserting in lieu thereof a new
18 Code Section 21-2-72 to read as follows:

19 "21-2-72.

20 Except when otherwise provided by law or court order, the primary and election records
21 of each governing authority, superintendent, registrar, and committee of a political party
22 or body, including registration statements, nomination petitions, affidavits, certificates,
23 tally papers, returns, accounts, contracts, reports, and other documents in official custody,
24 except the contents of voting machines, shall be open to public inspection and may be
25 inspected and copied by any elector of the county during usual business hours at any time
26 when they are not necessarily being used by the custodian or his or her employees having
27 duties to perform in reference thereto; provided, however, that such public inspection shall
28 only be in the presence of the custodian or his or her employee and shall be subject to
29 proper regulation for the safekeeping of such documents and subject to the further
30 provisions of this chapter. The custodian shall also, upon request, if photocopying
31 equipment is available in the building in which the records are housed, make and furnish
32 to any member of the public copies of any of such records upon payment of the actual cost
33 of copying the records requested."

SECTION 9.

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

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

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

SECTION 10.

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

"(b) After the expiration of the applicable qualification deadline prescribed in subsection (a) of this Code section, each candidate for nomination to a municipal office, having no opposing candidates within his or her own political party, shall automatically become the nominee of his or her party for such office if the applicable city charter or ordinance does not provide to the contrary. The name of such an unopposed candidate and the title of the nomination he or she is seeking shall not be placed upon the primary ballots ~~or ballot labels~~. The proper officials of his or her political party shall certify the candidate as the party nominee for the office involved for the purpose of having his or her name

1 placed upon the election ballots ~~or ballot labels~~. In applying Code Sections 21-2-131
 2 through 21-2-134, such an unopposed municipal candidate shall be deemed to have been
 3 nominated in a primary held by his or her political party."

4 **SECTION 11.**

5 Said chapter is further amended by striking subsection (a) of Code Section 21-2-235, relating
 6 to the inactive list of electors, in its entirety and inserting in lieu thereof a new subsection (a)
 7 to read as follows:

8 "(a) In addition to the official list of electors, the Secretary of State shall also maintain an
 9 inactive list of electors. Notwithstanding any other provision of law to the contrary, the
 10 names of electors on the inactive list of electors shall not be counted in computing the
 11 number of ballots required for an election, the number of voting ~~machines or vote recorders~~
 12 booths or compartments needed for a precinct, the number of electors required to divide
 13 or constitute a precinct, or the number of signatures needed on any petition. However, any
 14 elector whose name appears on the inactive list shall be eligible to sign a petition and such
 15 petition signature, if valid, shall be sufficient to return the elector to the official list of
 16 electors if the elector still resides at the address listed on the elector's registration records
 17 and shall be grounds to proceed under Code Section 21-2-234 to confirm the change of
 18 address of the elector if the elector provides a different address from the address which
 19 appears on the elector's registration records."

20 **SECTION 12.**

21 Said chapter is further amended by striking subsection (a) of Code Section 21-2-267, relating
 22 to equipment at polling places, in its entirety and inserting in lieu thereof a new
 23 subsection (a) to read as follows:

24 "(a) The governing authority shall provide and the superintendent shall cause all rooms
 25 used as polling places to be provided with suitable heat and light and, ~~in precincts in which~~
 26 ~~ballots are used~~, with a sufficient number of voting compartments or booths with proper
 27 supplies in which the electors may conveniently mark their ballots, with a curtain, screen,
 28 or door in the upper part of the front of each compartment or booth so that in the marking
 29 thereof they may be screened from the observation of others. A curtain, screen, or door
 30 shall not be required, however, for the self-contained units used as voting booths ~~in which~~
 31 ~~vote recorders are located~~ if such booths have been designed so as to ensure the privacy of
 32 the elector. When practicable, every polling place shall consist of a single room, every part
 33 of which is within the unobstructed view of those present therein and shall be furnished
 34 with a guardrail or barrier closing the inner portion of such room, which guardrail or barrier
 35 shall be so constructed and placed that only such persons as are inside such rail or barrier

1 can approach within six feet of the ballot box, tabulating machine, and voting
 2 compartments; or booths, ~~or voting machines, as the case may be.~~ The ballot box,
 3 tabulating machine, and voting compartments or booths shall be so arranged in the voting
 4 room within the enclosed space as to be in full view of those persons in the room outside
 5 the guardrail or barrier. ~~The voting machine or machines shall be placed in the voting~~
 6 ~~rooms within the enclosed space so that, unless its construction shall otherwise require, the~~
 7 ~~ballot labels on the face of the machine can be plainly seen by the poll officers when the~~
 8 ~~machine is not occupied by an elector."~~

9 **SECTION 13.**

10 Said chapter is further amended by striking Code Section 21-2-280, relating to the
 11 requirement as to the conduct of primaries and elections by ballot, in its entirety and inserting
 12 in lieu thereof a new Code Section 21-2-280 to read as follows:

13 "21-2-280.

14 (a) All primaries and elections in this state shall be conducted by ballot optical scan vote
 15 counting systems, except when ~~voting machines or vote recorders~~ paper ballots are used
 16 as provided by law. All ballots used in any primary or election shall be provided by the
 17 superintendent or governing authority in accordance with this article, and only official
 18 ballots furnished by the superintendent or governing authority shall be cast or counted in
 19 any primary or election in any precinct in which ballots are used.

20 (b) On and after January 1, 2002, all counties and municipalities in this state shall conduct
 21 all primaries, elections, and run-off primaries and elections using optical scan vote
 22 counting systems, except as otherwise provided in this chapter. Prior to January 1, 2002,
 23 the Secretary of State shall evaluate, purchase, and provide optical scan vote counting
 24 systems which comply with the provisions of this chapter to all counties in the state for use
 25 in primaries and elections occurring after that date."

26 **SECTION 14.**

27 Said chapter is further amended by striking Code Section 21-2-281, relating to voting by
 28 paper ballot when use of voting machine impossible or impracticable, in its entirety and
 29 inserting in lieu thereof a new Code Section 21-2-281 to read as follows:

30 "21-2-281.

31 In any primary or election in which the use of ~~voting machines~~ an optical scan vote
 32 counting system is impossible or impracticable, for the reasons set out in Code Section
 33 ~~21-2-334~~ 21-2-325, the primary or election may be conducted by paper ballot in the manner
 34 provided in Code Section ~~21-2-334~~ 21-2-325."

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

1 you spoil your ballot, do not erase, but ask for a new ballot. Use only pen or pencil. Failure
 2 to follow these instructions may result in your vote not being counted. Immediately under
 3 the directions, the name of each such nonpartisan candidate shall be arranged alphabetically
 4 by last name under the title of the office for which they are candidates ~~and be printed~~
 5 ~~thereunder in alphabetical order.~~ The incumbency of a candidate seeking election for the
 6 public office he or she then holds shall be indicated on the ballot. No party designation or
 7 affiliation shall appear beside the name of any candidate for nonpartisan office. An
 8 appropriate space shall also be placed on the ballot for the casting of write-in votes for such
 9 offices. In the event that no candidate in such nonpartisan election receives a plurality of
 10 the total votes cast for such office, there shall be a nonpartisan election runoff between the
 11 candidates receiving the two highest numbers of votes; and the names of such candidates
 12 shall be placed on the official ballot at the general election runoff in the same manner as
 13 prescribed in this Code section for the nonpartisan election. In the event that only
 14 nonpartisan candidates are to be placed on a run-off ballot, the form of the ballot shall be
 15 as prescribed by the Secretary of State or election superintendent in essentially the same
 16 format as prescribed for the nonpartisan election. The candidate having a plurality of the
 17 votes cast in the nonpartisan election or the candidate receiving the highest number of votes
 18 cast in the nonpartisan election runoff shall be declared duly elected to such office."

19 **SECTION 21.**

20 Said chapter is further amended by striking Article 8.1, relating to state-wide voting
 21 equipment, in its entirety.

22 **SECTION 22.**

23 Said chapter is further amended by striking Article 9, relating to voting machines and vote
 24 recorders generally, and inserting in lieu thereof a new Article 9 to read as follows:

25 "ARTICLE 9

26 21-2-310.

27 No optical scan vote counting system shall be adopted or used unless it shall, at the time,
 28 satisfy the following requirements:

- 29 (1) It shall provide facilities for voting for such candidates as may be nominated and
 30 upon such questions as may be submitted;
- 31 (2) It shall permit each elector, in one operation per ballot, to vote for all the candidates
 32 of one party or body for presidential electors;

1 (3) Except as provided in paragraph (2) of this Code section for presidential electors, it
2 shall permit each elector, at other than primaries, to vote a ticket selected from the
3 nominees of any and all parties or bodies, from independent nominations, and from
4 persons not in nomination;

5 (4) It shall permit each elector to vote, at any election, for any person and for any office
6 for whom and for which he or she is lawfully entitled to vote, whether or not the name
7 of such person or persons appears upon a ballot as a candidate for election; to vote for as
8 many persons for an office as he or she is entitled to vote for; and to vote for or against
9 any question upon which he or she is entitled to vote;

10 (5) An optical scan tabulator shall preclude the counting of votes for any candidate or
11 upon any question for whom or upon which an elector is not entitled to vote; shall
12 preclude the counting of votes for more persons for any office than he or she is entitled
13 to vote for; and shall preclude the counting of votes for any candidate for the same office
14 or upon any question more than once;

15 (6) It shall permit voting in absolute secrecy so that no person can see or know for whom
16 any other elector has voted or is voting, save an elector whom he or she has assisted or
17 is assisting in voting, as prescribed by law;

18 (7) It shall be constructed of material of good quality in a neat and workmanlike manner;

19 (8) It shall, when properly operated, record correctly and accurately every vote cast;

20 (9) It shall be so constructed that an elector may readily learn the method of operating
21 it;

22 (10) It shall be safely transportable;

23 (11) It shall record votes by having the voter fill in an oval or square adjacent to the
24 name of the candidate or answer to a question for which the voter desires to vote; and

25 (12) The optical scan tabulator shall count the votes at the precinct.

26 21-2-311.

27 (a) In each precinct in which optical scan vote counting systems are used, there shall be
28 at least one voting booth or compartment for each 200 electors therein or fraction thereof.

29 (b) The Secretary of State shall provide each county with optical scan vote counting
30 systems in good working order and of sufficient capacity to accommodate the names of a
31 reasonable number of candidates for all party offices and nominations and public offices
32 which, under the provisions of existing laws and party rules, are likely to be voted for at
33 any primary or election.

1 21-2-312.

2 (a) In selecting and purchasing an optical scan vote counting system for use in this state,
3 the Secretary of State shall examine the optical scan vote counting system to ensure that
4 such system is in compliance with the provisions of this chapter and shall so certify prior
5 to the purchase of such system. Any ten or more electors of this state may, at any time,
6 request the Secretary of State to reexamine the optical scan vote counting system to ensure
7 that it may be safely and accurately used in the state and that it is in compliance with the
8 provisions of this chapter. Before any such examination or reexamination, the person,
9 persons, or organization requesting such examination or reexamination shall pay to the
10 Secretary of State the reasonable expenses of such examination. The Secretary of State
11 may, at any time, in his or her discretion, reexamine the optical scan vote counting system.
12 The Secretary of State shall thereupon reexamine such optical scan vote counting system
13 and shall make and file in his or her office a report, attested by his or her signature and the
14 seal of his or her office, stating whether, in his or her opinion, the kind of optical scan vote
15 counting system so examined can be safely and accurately used by electors at primaries and
16 elections as provided in this chapter. If this report states that the optical scan vote counting
17 system can be so used, the optical scan vote counting system shall continue to be used at
18 primaries and elections as provided in this chapter. If, upon the reexamination of the
19 optical scan vote counting system, it shall appear that the optical scan vote counting system
20 so reexamined can no longer be safely and accurately used by electors at primaries or
21 elections or is not in compliance with the provisions of this chapter, the Secretary of State
22 shall immediately discontinue the use of such system in this state and shall examine and
23 purchase a new optical scan vote counting system for use in this state that does meet the
24 requirements of this chapter and which can be safely and accurately used in primaries and
25 elections.

26 (b) When an optical scan vote counting system has been so examined and certified, no
27 improvement or change that does not impair its accuracy, efficiency, or capacity shall
28 render necessary any examination or reexamination of the system.

29 (c) Neither the Secretary of State, any of his or her staff or consultants, nor any other
30 person involved in the examination process shall have any pecuniary interest in any optical
31 scan vote counting system or in the manufacture or sale thereof.

32 21-2-313.

33 In any primary or election, the superintendent or governing authority shall cause all the
34 official ballots to be printed accurately and in the form prescribed by this chapter, and the
35 superintendent or governing authority shall be responsible for the safekeeping of the same
36 while in his or her or its possession or that of his or her or its agent. The superintendent or

1 governing authority shall keep a record of the number of official ballots printed and
2 furnished to each precinct at each primary and election, and the number of stubs, unused
3 ballots, and canceled ballots subsequently returned therefrom.

4 21-2-314.

5 (a) In each primary, separate official ballots shall be prepared for the political party
6 holding the primary. At the top of each ballot shall be printed in prominent type the words
7 'OFFICIAL PRIMARY BALLOT OF _____ PARTY FOR,'
8 followed by the designation of the precinct for which it is prepared and the name and date
9 of the primary.

10 (b) Immediately under this caption, the following directions shall be printed: 'Completely
11 fill in the oval or the square opposite the name of each candidate for whom you choose to
12 vote. If you spoil your ballot, do not erase, but ask for a new ballot. Use only pen or pencil.
13 Failure to follow these instructions may result in your vote not being counted.'

14 (c) Immediately under the directions, the names of all candidates who have qualified with
15 the party in accordance with this chapter and party rules and who have been certified to the
16 superintendent or Secretary of State as having so qualified shall be printed on the official
17 ballots, except unopposed candidates in municipal primaries where the municipal charter
18 or ordinance does not prohibit the omission of such candidates' names from the ballot. The
19 names of the candidates shall in all cases be arranged under the title of the office for which
20 they are candidates and be printed thereunder in alphabetical order. The incumbency of a
21 candidate seeking party nomination for the public office he or she then holds shall be
22 indicated on the official ballots. Under the title of each office shall be placed a direction
23 as to the number of candidates to be voted for.

24 (d) If at any general primary a political party shall submit to its members any matter or
25 question to be voted upon, the party shall by the deadline for certifying candidates for the
26 primary election certify the wording of said question to the superintendent, if to be voted
27 on by one county only, or to the Secretary of State, if to be voted on by more than one
28 county; and the superintendent or Secretary of State shall have such language printed on
29 the official ballot. To the left of each question there shall be placed the words 'Yes' and 'No'
30 together with appropriate ovals or squares to the left of each for the voter to cast his or her
31 vote for or against each question. If at any municipal primary a political party shall submit
32 to its members any matter or question to be voted upon, the party shall have printed on the
33 ballots the necessary language to guide the elector in the expression of his or her choice as
34 to such matter or question.

35 (e) Each ballot shall have printed thereon the following:

1 I understand that the offer or acceptance of money or any other object of value to vote
2 for any particular candidate, list of candidates, issue, or list of issues included in this
3 election constitutes an act of voter fraud and is a felony under Georgia law.'

4 (f) The official ballots shall vary in form only as the names of precincts, offices,
5 candidates, color of ballot cards, or this chapter may require.

6 21-2-315.

7 (a) The names of all candidates seeking election in a nonpartisan election conducted in
8 conjunction with a partisan primary shall be printed on the official ballot of each political
9 party; and insofar as practicable such offices to be filled in a nonpartisan election shall be
10 separated from the names of political party candidates by being listed last on each official
11 political party ballot, with the top of that portion of the ballot relating to the nonpartisan
12 election to have printed in prominent type the words 'OFFICIAL NONPARTISAN
13 ELECTION BALLOT.' Immediately under this caption the following directions shall be
14 printed: 'Completely fill in the oval or the square opposite the name of each nonpartisan
15 candidate for whom you choose to vote. If you spoil your ballot, do not erase, but ask for
16 a new ballot. Use only pen or pencil. Failure to follow these instructions may result in your
17 vote not being counted.' Immediately under the directions, the names of the nonpartisan
18 candidates shall in all cases be arranged under the title of the office for which they are
19 candidates and be printed thereunder in alphabetical order. No party designation or
20 affiliation shall appear beside the name of any candidate for nonpartisan office. The
21 incumbency of a nonpartisan candidate seeking election to the public office he or she then
22 holds shall be indicated on the official ballots by printing the word 'Incumbent' beside his
23 or her name. Under the title of each office shall be placed a direction as to the number of
24 nonpartisan candidates to be voted for. The votes cast for each nonpartisan candidate listed
25 on all official political party ballots shall be combined to determine the total number of
26 votes received by each candidate in the nonpartisan election. In the event that a candidate
27 in such nonpartisan election does not receive 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 for such office; and the names of such candidates shall be placed
30 on each official political party ballot at the general primary runoff in the same nonpartisan
31 portion as prescribed in this Code section. If no political party runoff is required, the form
32 of the official ballot for the nonpartisan election runoff shall be prescribed by the Secretary
33 of State or election superintendent in essentially the same format prescribed for nonpartisan
34 elections. The candidate receiving a plurality of the total votes cast in the nonpartisan
35 election or the candidate receiving the highest number of votes cast in the nonpartisan
36 election runoff shall be declared duly elected to such office.

1 (b) In the case of nonpartisan municipal primaries, the form of the official nonpartisan
 2 primary ballot shall conform insofar as practicable to the form of the official primary ballot
 3 as detailed in Code Section 21-2-314, except that:

4 (1) The following shall be printed at the top of each ballot in prominent type:

5 'OFFICIAL NONPARTISAN PRIMARY BALLOT OF

6 _____
 7 (Name of municipality)';

8 (2) There shall be no name or designation of any political organization nor any words,
 9 designation, or emblems descriptive of a candidate's political affiliation printed under or
 10 after any candidate's name which is printed on the ballot; and

11 (3) The incumbency of a candidate seeking election for the public office he or she then
 12 holds shall be indicated on the official ballot.

13 21-2-316.

14 (a) At the top of each official ballot for an election shall be printed in prominent type the
 15 words 'OFFICIAL BALLOT,' followed by the designation of the precinct for which it is
 16 prepared and the name and date of the election.

17 (b) Immediately under this caption on an official ballot presenting the names of candidates
 18 for election to office, the following directions shall be printed, insofar as the same may be
 19 appropriate for the election involved: 'To vote for presidential electors, completely fill in
 20 the oval or the square opposite the names of the candidates of the party or body for the
 21 offices of President and Vice President you choose to vote for. Completely fill in the oval
 22 or the square opposite the name of each candidate you choose to vote for. To vote for a
 23 person whose name is not on the ballot, manually write his or her name, accompanied by
 24 the title of the office involved, in the write-in column. If you spoil your ballot, do not erase,
 25 but ask for a new ballot. Use only pen or pencil. Failure to follow these instructions may
 26 result in your vote not being counted.' Marks made in violation of these directions shall
 27 be disregarded in the counting of the votes cast. The names of persons inserted on the
 28 official ballot by the elector shall be manually written only within the write-in space and
 29 the insertion of such names outside such space or by the use of a sticker, paster, stamp, or
 30 other printed or written matter is prohibited.

31 (c) Immediately under the directions, the names of all candidates who have been
 32 nominated in accordance with the requirements of this chapter shall be printed on the
 33 official ballot and the names of the candidates shall in all cases be arranged under the titles
 34 of the respective offices they are seeking. In a primary or special election, said names shall
 35 be arranged alphabetically by last name under the title of the office. The incumbency of a
 36 candidate seeking election for the public office he or she then holds shall be indicated on

1 the official ballot. In a general election, the names of candidates who are nominees of a
2 political party shall be listed with the name of their party. Under the title of each office, the
3 names of the candidates of political parties shall be printed first in the descending order of
4 the totals of votes cast for candidates of the political parties for Governor at the last
5 gubernatorial election. Following these candidates, parties having no candidate for
6 Governor on the ballot at the last gubernatorial election shall be arranged alphabetically
7 according to the party name. Following these candidates, the names of candidates of
8 political bodies shall be arranged alphabetically according to the body name. Finally, the
9 names of all independent candidates shall be printed on the official ballot under the
10 designation 'Independent.' In the case of two or more independent candidates seeking the
11 same office, their names shall be arranged in alphabetical order. After the name of all of
12 the candidates shall be printed a space sufficient for the insertion of write-in votes. To the
13 left or the right of the name of every candidate thereon shall be an oval or a square which
14 the voter may complete in order to cast his or her vote for the candidate of his or her
15 choice.

16 (d) Unless a candidate has filed with his or her nominating petition a certificate from a
17 political party or body attesting that such candidate is the nominee of such party by virtue
18 of having been nominated in a duly constituted party convention, the candidate's name
19 shall appear on the official ballot as an independent candidate.

20 (e) When presidential electors are to be elected, the names of the nominees of each
21 political party or body for such offices shall be arranged alphabetically under the names of
22 the candidates of the party or body for President and Vice President of the United States.

23 (f) When proposed constitutional amendments or other questions are submitted to a vote
24 of the electors, each amendment or other question so submitted may be printed upon the
25 official ballot after the groups of candidates for the various offices. Proposed constitutional
26 amendments so submitted shall be printed in brief form as directed by the General
27 Assembly and, in the event of a failure to so direct, the form shall be determined by the
28 Secretary of State and shall include the short title or heading provided for in subsection (c)
29 of Code Section 50-12-101. Unless otherwise provided by law, any other state-wide
30 questions so submitted shall be printed in brief form as directed by the General Assembly
31 and, in the event of a failure to so direct, the form shall be determined by the Secretary of
32 State; any local questions so submitted shall be printed in brief form as directed by the
33 General Assembly and, in the event of a failure to so direct, the form shall be determined
34 by the superintendent. To the left or the right of each question there shall be placed the
35 words 'Yes' and 'No' together with appropriate ovals or squares to the left of each which the
36 voter may complete in order to cast his or her vote for approval or rejection of said
37 question, unless otherwise directed by the General Assembly.

1 (g) When proposed questions are submitted to a vote of municipal electors, each question
 2 so submitted may be printed upon the official ballot below the groups of candidates for the
 3 various offices. To the left or the right of each question there shall be placed the words
 4 'Yes' and 'No' together with appropriate ovals or squares to the left of each which the voter
 5 may complete in order to cast his or her vote for the approval or rejection of said question,
 6 unless otherwise directed by the General Assembly.

7 (h) Each official ballot shall have printed thereon the following:

8 I understand that the offer or acceptance of money or any other object of value to vote
 9 for any particular candidate, list of candidates, issue, or list of issues included in this
 10 election constitutes an act of voter fraud and is a felony under Georgia law.'

11 (i) The official ballots shall vary in form only as the names of precincts, offices,
 12 candidates, or this chapter may require.

13 (j) Any other provision of law to the contrary notwithstanding, in the event there is no
 14 opposed candidate in a precinct in a general or special municipal election, no election shall
 15 be held in such precinct unless a write-in candidate has qualified as provided by law or
 16 unless there are issues to be submitted to the electorate within a precinct.

17 (k) When, pursuant to subsection (j) of this Code section, no election is to be conducted,
 18 the municipality shall provide notice reasonably calculated to inform the affected electorate
 19 that no election is to be conducted. Each such unopposed candidate shall be deemed to
 20 have voted for himself or herself. The superintendent shall certify such unopposed
 21 candidate as elected in the same manner as he or she certifies other candidates as elected
 22 pursuant to Code Section 21-2-502.

23 21-2-317.

24 The names of all candidates for offices which were covered on July 1, 2001, by a local Act
 25 of the General Assembly which provided for election in a nonpartisan election without a
 26 prior nonpartisan primary shall be printed on each official election ballot; and insofar as
 27 practicable such offices to be filled in the nonpartisan election shall be separated from the
 28 names of candidates for other offices by being listed last on each official ballot, with the
 29 top of that portion of each official election ballot relating to the nonpartisan election to
 30 have printed in prominent type the words 'OFFICIAL NONPARTISAN ELECTION
 31 BALLOT.' Immediately under this caption the following directions shall be printed:
 32 'Completely fill in the oval or the square opposite the name of each nonpartisan candidate
 33 for whom you choose to vote. To vote for a person whose name is not on the ballot,
 34 manually write his or her name, accompanied by the title of the office involved, in the
 35 write-in column. If you spoil your ballot, do not erase, but ask for a new ballot. Use only
 36 pen or pencil. Failure to follow these instructions may result in your vote not being

1 counted.' Immediately under the directions, the name of each nonpartisan candidate shall
2 be arranged alphabetically by last name under the title of the office for which they are
3 candidates. The incumbency of a candidate seeking election for the public office he or she
4 then holds shall be indicated on the official ballot. No party designation or affiliation shall
5 appear beside the name of any candidate for nonpartisan office. An appropriate space shall
6 also be placed on the official ballot for the casting of write-in votes for such offices. In the
7 event that no candidate in such nonpartisan election receives a plurality of the total votes
8 cast for such office, there shall be a nonpartisan election runoff between the candidates
9 receiving the two highest numbers of votes; and the names of such candidates shall be
10 placed on the official ballot at the general election runoff in the same manner as prescribed
11 in this Code section for the nonpartisan election. In the event that only nonpartisan
12 candidates are to be placed on an official run-off ballot, the form of the official ballot shall
13 be as prescribed by the Secretary of State or election superintendent in essentially the same
14 format as prescribed for the nonpartisan election. The candidate having a plurality of the
15 votes cast in the nonpartisan election or the candidate receiving the highest number of votes
16 cast in the nonpartisan election runoff shall be declared duly elected to such office.

17
18 21-2-318.

19 (a) The official ballots shall be printed in black ink upon clear, white, or colored material,
20 of such size and arrangement as will suit the construction of the optical scan tabulator, and
21 in plain, clear type so as to be easily readable by persons with normal vision.

22 (b) The form and arrangement of ballot cards shall be prescribed by this article and
23 prepared by the superintendent.

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

32 21-2-319.

33 (a) If ballots for a precinct at which an optical scan vote counting system is to be used shall
34 not be delivered to the poll officers as required by this chapter, the chief manager of such
35 precinct shall cause other ballots to be prepared, printed, or written, as nearly in the form
36 of official ballots as practicable; and the poll officers shall cause the ballots, so substituted,

1 to be used at the primary or election, in the same manner, as nearly as may be, as the
2 official ballots. Such ballots, so substituted, shall be known as unofficial ballots.

3 (b) If any optical scan vote counting system being used in any primary or election shall
4 become out of order during such primary or election, it shall, if possible, be repaired or
5 another optical scan vote counting system substituted by the custodian or superintendent
6 as promptly as possible, for which purpose the Secretary of State may purchase as many
7 extra optical scan vote counting systems as he or she may deem necessary; but, in case such
8 repair or substitution cannot be made, the ballots may be voted manually.

9 21-2-320.

10 In elections, electors shall be permitted to cast write-in votes. The design of the official
11 ballot shall permit the superintendents, in counting the write-in votes, to determine readily
12 whether an elector has cast any write-in vote not authorized by law. The Secretary of State,
13 in specifying the form of the official ballot, and the State Election Board, in promulgating
14 rules and regulations respecting the conduct of elections, shall provide for ballot secrecy
15 in connection with write-in votes.

16 21-2-321.

17 (a) The superintendent of each county or municipality shall order the proper programming
18 to be placed in each optical scan tabulator used in any precinct.

19 (b) On or before the third day preceding a primary or election, including special primaries,
20 special elections, and referendum elections, the superintendent shall have the optical scan
21 tabulators to be used in the primary or election tested to ascertain that they will correctly
22 count the votes cast for all offices and on all questions. Public notice of the time and place
23 of the test shall be made at least five days prior thereto. Representatives of political parties
24 and bodies, candidates, news media, and the public shall be permitted to observe such tests.
25 The test shall be conducted by processing a preaudited group of ballots so marked as to
26 record a predetermined number of valid votes for each candidate and on each question and
27 shall include for each office one or more ballots which are improperly marked and one or
28 more ballots which have votes in excess of the number allowed by law in order to test the
29 ability of the optical scan tabulator to reject such votes. The optical scan tabulator shall not
30 be approved unless it produces an errorless count. If any error is detected, the cause
31 therefor shall be ascertained and corrected; and an errorless count shall be made before the
32 optical scan tabulator is approved. The superintendent shall cause the pretested optical scan
33 tabulators to be placed at the various polling places to be used in the primary or election.
34 The superintendent shall require that each optical scan tabulator be thoroughly tested and
35 inspected prior to each primary and election in which it is used and shall keep such tested

1 material as certification of an errorless count on each optical scan tabulator. The optical
2 scan tabulators shall produce a zero tape prior to any ballots being inserted on the day of
3 any primary or election.

4 (c) In every primary or election, the superintendent shall furnish, at the expense of the
5 county or municipality, all official ballots, forms of certificates, and other papers and
6 supplies required under this chapter and which are not furnished by the Secretary of State,
7 all of which shall be in the form and according to the specifications prescribed, from time
8 to time, by the Secretary of State.

9 21-2-322.

10 (a) The superintendent shall deliver the proper optical scan tabulator to the polling places
11 at least one hour before the time set for opening of the polls at each primary or election and
12 shall cause each to be set up in the proper manner for use in voting.

13 (b) The superintendent shall provide ample protection against molestation of and injury
14 to the optical scan tabulator and, for that purpose, shall call upon any law enforcement
15 officer to furnish such assistance as may be necessary; and it shall be the duty of the law
16 enforcement officer to furnish such assistance when so requested by the superintendent.

17 (c) The superintendent shall at least one hour before the opening of the polls:

18 (1) Provide sufficient lighting to enable electors, while in the voting booth or
19 compartment, to read the ballot, which lighting shall be suitable for the use of poll
20 officers in examining the booth or compartment; and such lighting shall be in good
21 working order before the opening of the polls;

22 (2) Prominently post directions for voting on the optical scan ballot card within the
23 voting booth or compartment; at least two sample ballots in use for the primary or
24 election shall be posted prominently outside the enclosed space within the polling place;

25 (3) Ensure that the optical scan tabulator shall have a seal securing the memory pack in
26 use throughout the election day; such seal shall not be broken unless the optical scan
27 tabulator is replaced due to malfunction; and

28 (4) Provide such other materials and supplies as may be necessary or as may be required
29 by law.

30 21-2-323.

31 During the 30 days next preceding a general primary or election or during the ten days next
32 preceding a special primary or election, the superintendent shall place on public exhibition,
33 in such public places and at such times as he or she may deem most suitable for the
34 information and instruction of the electors, one or more sets of sample ballots that will be
35 used in such election. The sample ballots shall show the offices and questions to be voted

1 upon, the names and arrangements of parties and bodies, and the names and arrangements
 2 of the candidates to be voted for. Such ballots shall be under the charge and care of a
 3 person competent as an instructor.

4 21-2-324.

5 (a) The superintendent shall designate a person or persons who shall have custody of the
 6 optical scan tabulators of the county or municipality when they are not in use at a primary
 7 or election and shall provide for his or her compensation and for the safe storage and care
 8 of the optical scan tabulators.

9 (b) All optical scan tabulators, when not in use, shall be properly covered and stored in a
 10 suitable place or places.

11 21-2-325.

12 If a method of nomination or election for any candidate or office, or of voting on any
 13 question is prescribed by law, in which the use of optical scan vote counting systems is not
 14 possible or practicable, or in case, at any primary or election, the number of candidates
 15 seeking nomination or nominated for any office renders the use of optical scan vote
 16 counting systems for such office at such primary or election impracticable, or if, for any
 17 other reason, at any primary or election the use of optical scan vote counting systems
 18 wholly or in part is not practicable, the superintendent may arrange to have the voting for
 19 such candidates or offices or for such questions conducted by paper ballots as prescribed
 20 by this chapter. In such cases, appropriate ballots shall be printed for such candidates,
 21 offices, or questions, and the primary or election shall be conducted by the poll officers,
 22 and the ballots shall be counted and return thereof made in the manner required by law."

23 SECTION 23.

24 Said chapter is further amended by striking Code Section 21-2-383, relating to preparation
 25 and delivery of absentee ballots, in its entirety and inserting in lieu thereof a new Code
 26 Section 21-2-383 to read as follows:

27 "21-2-383.

28 ~~Ballots~~ Official ballots for use by absentee electors shall be prepared sufficiently in
 29 advance by the superintendent and shall be delivered to the board of registrars or absentee
 30 ballot clerk as provided in Code Section 21-2-384. Such official ballots shall be marked
 31 'Official Absentee Ballot' and shall be in substantially the form for ~~ballots~~ optical scan
 32 ballot cards required by Article 8 9 of this chapter, except that, in counties using ~~voting~~
 33 ~~machines or vote recorders~~ paper ballots, the ballots may be in substantially the form for
 34 the ~~ballot labels~~ ballots required by Article 9 8 of this chapter ~~or in such form as will allow~~

1 ~~the ballot to be machine tabulated.~~ Every such official ballot shall have printed with other
 2 instructions thereon the following:

3 'I understand that the offer or acceptance of money or any other object of value to vote
 4 for any particular candidate, list of candidates, issue, or list of issues included in this
 5 election constitutes an act of voter fraud and is a felony under Georgia law.'

6 The form for either official ballot shall be determined and prescribed by the Secretary of
 7 State, except in municipal primaries or elections, in which the form of absentee ballots
 8 ~~which follows the paper ballot format~~ shall be determined and prescribed by the
 9 superintendent."

10 **SECTION 24.**

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

14 "(b) As soon as practicable after 12:00 Noon on the day of the primary or election, in
 15 ~~precincts other than those in which vote recorders or optical scanning tabulators are used,~~
 16 a registrar or absentee ballot clerk shall deliver the official absentee ballot of each certified
 17 absentee elector, each rejected absentee ballot, applications for such ballots, and copies of
 18 the numbered lists of certified and rejected absentee electors to the manager in charge of
 19 the absentee ballot precinct of the county, which shall be located in the ~~precincts containing~~
 20 ~~the county courthouse or polling place designated by the municipal superintendent. In those~~
 21 ~~precincts in which vote recorders or optical scanning tabulators are used, such absentee~~
 22 ~~ballots shall be taken to the tabulation center or other place designated by the~~
 23 ~~superintendent, and the official receiving such absentee ballots shall issue his or her receipt~~
 24 ~~therefor.~~ In no event shall the counting of the ballots begin before the polls close."

25 **SECTION 25.**

26 Said chapter is further amended by striking subsections (b) and (c) of Code Section 21-2-400,
 27 relating to duties of superintendents, in its entirety and inserting in lieu thereof a new
 28 subsection (b) to read as follows:

29 "(b) As an aid to electors, sample ballots ~~or ballot labels~~ may be printed and published in
 30 any newspaper generally and regularly circulated within the county or municipality, so long
 31 as the facsimile is labeled 'Sample Ballot' and is at least 25 percent larger or smaller than
 32 the official ballot. Reprints of such newspaper printings may be procured and distributed
 33 by any elector. Election officials may also prepare and distribute sample ballots ~~or ballot~~
 34 ~~labels~~ or portions thereof, provided they are labeled 'Sample Ballot' and are of a different
 35 color and at least 25 percent larger or smaller than the official ballot ~~or ballot label~~.

1 ~~(c) In those counties and municipalities which employ the use of vote recorders or voting~~
 2 ~~machines, the superintendent shall prepare sample or facsimile ballot labels for each~~
 3 ~~general election which shall contain each question and the candidates who are offering for~~
 4 ~~election for each office which will be voted upon in the county or municipality. The~~
 5 ~~superintendent shall maintain such sample or facsimile ballot labels at the county~~
 6 ~~courthouse for distribution upon request to interested electors. Such sample or facsimile~~
 7 ~~ballot labels shall comply with Code Section 21-2-575."~~

8 **SECTION 26.**

9 Said chapter is further amended by striking subsection (a) of Code Section 21-2-401, relating
 10 to the delivery of forms and supplies to the precincts, in its entirety and inserting in lieu
 11 thereof a new subsection (a) to read as follows:

12 "(a) The cards of instruction, return sheets, tally sheets, oaths of poll officers, affidavits,
 13 and other forms and supplies required for use in each precinct; and, ~~in precincts in which~~
 14 ~~ballots are used~~, the official ballots prepared for use therein shall be packed by the
 15 superintendent in separate sealed packages for each precinct, marked on the outside so as
 16 to designate clearly the precincts for which they are intended and, ~~in the case of precincts~~
 17 ~~in which ballots are used~~, the number of ballots enclosed. They shall then be delivered by
 18 the superintendent, together with the ballot box which shall bear the designation of the
 19 precinct, to the managers in the several precincts prior to the hour appointed for opening
 20 the polls. In primaries when using paper ballots, the parties shall decide whether to use the
 21 same ballot box or to use separate ballot boxes. The managers of the respective precincts
 22 shall, on delivery to them of such packages, return receipts therefor to the superintendent,
 23 who shall keep a record of the time when and the manner in which the several packages are
 24 delivered. The superintendent may, in the superintendent's discretion, require the managers
 25 of the respective precincts to call at the superintendent's office to obtain such packages."

26 **SECTION 27.**

27 Said chapter is further amended by striking subsection (c) of Code Section 21-2-405, relating
 28 to the meeting of poll officers at place of primary or election, in its entirety and inserting in
 29 lieu thereof a new subsection (c) to read as follows:

30 "(c) After the poll officers of a precinct have been organized, the chief manager shall
 31 designate one of the assistant managers to have custody of the electors list. ~~In precincts in~~
 32 ~~which ballots are used, the~~ The other assistant manager shall have charge of the receipt and
 33 deposit of ballots in the ballot box, the chief manager or one of the clerks shall issue the
 34 ballots to electors after they are found entitled to vote, and the other clerk shall have
 35 custody of the voter's certificate binder and shall place the voter's certificates therein as

1 they are received and approved. ~~In precincts in which voting machines are used, the other~~
 2 ~~assistant manager or clerk shall have custody of the voter's certificate binder and shall~~
 3 ~~place the voter's certificates therein as they are received and approved, and the chief~~
 4 ~~manager shall have special charge of the operation of the voting machine; provided,~~
 5 ~~however, that the The chief manager may make other arrangements for the division of the~~
 6 duties imposed by this chapter, so long as each poll officer is assigned some specific duty
 7 to perform. In municipal primaries being held with separate precinct managers, the chief
 8 managers appointed by each party shall jointly appoint the person or persons to be in
 9 charge of the electors list. In all precincts, the chief manager shall assign an assistant
 10 manager or a clerk to keep a numbered list of voters, in sufficient counterparts, during the
 11 progress of the voting."

12 SECTION 28.

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

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

26 SECTION 29.

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

30 "(a) No elector shall receive any assistance in voting at any primary or election unless he
 31 or she is unable to read the English language or he or she has a physical disability which
 32 renders him or her unable to see or mark the ballot ~~or operate the voting machine or vote~~
 33 ~~recorder~~ or to enter the voting compartment or booth without assistance and the poll
 34 officers are satisfied that he or she suffers from the disability. Except for a blind elector,
 35 before an elector shall be permitted to receive assistance, the elector shall take an oath

1 which shall be administered to him or her and placed in writing by a manager, giving the
 2 reason why the elector requires assistance. The name of each person assisting the elector
 3 shall be endorsed on the oath. An elector who declares that by reason of blindness he or she
 4 is unable to cast a vote as he or she wishes and who in the judgment of a manager is blind
 5 may receive assistance on the basis of the blind elector's declaration without the necessity
 6 of an oath. The name of each person assisting a blind elector shall be shown on the
 7 declaration."

8 **SECTION 30.**

9 Said chapter is further amended by striking subsections (a), (b), and (f) of Code Section
 10 21-2-413, relating to conduct of voters, campaigners, and others at polling places generally,
 11 in their entirety and inserting in lieu thereof new subsections (a), (b), and (f) to read as
 12 follows:

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

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

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

30 **SECTION 31.**

31 Said chapter is further amended by striking Code Section 21-2-430, relating to opening of
 32 ballot boxes, in its entirety and inserting in lieu thereof a new Code Section 21-2-430 to read
 33 as follows:

1 "21-2-430.
 2 In precincts in which paper ballots are used, the poll officers shall, after taking the oath,
 3 publicly open the ballot boxes which have been furnished to them and shall, prior to
 4 opening of the polls, totally destroy any ballots and other papers which they may find
 5 therein which are not intended for use in such primary or election. When the polling place
 6 is opened, the ballot box shall be securely locked and shall not be opened until the close
 7 of the polls, as provided in Code Section 21-2-436. At the opening of the polls, the seals
 8 of the packages furnished by the superintendent shall be publicly broken and such packages
 9 shall be opened by the chief manager. The cards of instruction shall be immediately posted
 10 in each voting compartment. Not less than three such cards and notices of penalties shall
 11 be immediately posted in or about the voting room outside the enclosed space; and such
 12 cards of instruction and notices of penalties shall be given to any elector at his or her
 13 request so long as there are any on hand."

14 **SECTION 32.**

15 Said chapter is further amended by striking subsection (a) of Code Section 21-2-431, relating
 16 to the execution of a voter's certificate, in its entirety and inserting in lieu thereof a new
 17 subsection (a) to read as follows:

18 "(a) At every primary and election at which paper ballots are used, each elector who
 19 desires to vote shall first execute a voter's certificate and hand the same to the poll officer
 20 in charge of the electors list. When an elector has been found entitled to vote, the poll
 21 officer who examined his or her voter's certificate shall sign his or her name or initials on
 22 the voter's certificate and shall, if the voter's signature is not readily legible, print such
 23 voter's name under his or her signature. As each elector is found to be qualified and votes,
 24 the poll officers shall check off the elector's name on the electors list and shall enter the
 25 number of the stub of the ballot issued to him or her, ~~or his or her number in the order of~~
 26 ~~admission to the voting machines~~, on the voter's certificate of such elector. As each elector
 27 votes, his or her name in the order of voting shall be recorded in the numbered list of voters
 28 provided for that purpose."

29 **SECTION 33.**

30 Said chapter is further amended by striking subsection (b) of Code Section 21-2-433, relating
 31 to the admission of electors to the enclosed space, in its entirety and inserting in lieu thereof
 32 a new subsection (b) to read as follows:

33 "(b) As soon as an elector has been admitted within the enclosed space, the poll officer
 34 having charge of the ballots in precincts in which paper ballots are used shall detach a
 35 ballot from the stub and give it to the elector, first folding it so that the words and figures

1 printed on the face shall not be visible, and no ballots shall be deposited in the ballot box
 2 unless folded in the same manner. If an elector's right to vote has been challenged for cause
 3 under Code Section 21-2-230, the poll officer shall write the word 'Challenged' and the
 4 alleged cause of challenge on the back of the ballot. Not more than one ballot shall be
 5 detached from its stub in any book of ballots at any one time. Not more than one ballot
 6 shall be given to an elector; but, if an elector inadvertently spoils a ballot, such elector may
 7 obtain another upon returning the spoiled one. The ballots thus returned shall be
 8 immediately canceled and at the close of the polls shall be enclosed in an envelope, which
 9 shall be sealed and returned to the superintendent."

10 SECTION 34.

11 Said chapter is further amended by striking subsections (a) and (c) of Code Section 21-2-435,
 12 relating to the procedure as to marking and depositing of ballots, in its entirety and inserting
 13 in lieu thereof new subsections (a) and (c) to read as follows:

14 "(a) In precincts in which paper ballots are used, the elector, after receiving his or her
 15 ballot, shall retire to one of the voting compartments and draw the curtain or shut the screen
 16 or door and shall then prepare his or her ballot; provided, however, that an elector may,
 17 before entering the voting booth, ask for instructions concerning the manner of voting, and
 18 a poll officer shall give him or her such instructions; but no person giving an elector such
 19 instructions shall in any manner request, suggest, or seek to persuade or induce any such
 20 elector to vote any particular ticket or for any particular candidate or for or against any
 21 particular question. After giving such instructions and before the elector closes the booth
 22 or votes, the poll officer shall retire and the elector shall forthwith vote."

23 "(c) At elections, the elector shall prepare his or her ballot in the following manner:

24 (1) He or she may vote for the candidates of his or her choice for each office to be filled
 25 according to the number of persons to be voted for by him or her for each office, by
 26 making a cross (X) or check (✓) mark in the square opposite the name of the candidate;

27 (2) He or she may write, in the blank space provided therefor, any name not already
 28 printed on the ballot, and such insertion shall count as a vote without the marking of a
 29 cross (X) or check (✓) mark;

30 (3) ~~If he or she desires to vote for every candidate of a political party or body (except its~~
 31 ~~candidates for the offices of presidential electors), he or she may make a cross (X) or~~
 32 ~~check (✓) mark in the square opposite the name of the party or body of his or her choice~~
 33 ~~in the party or body column on the left of the ballot, and every such cross (X) or check~~
 34 ~~(✓) mark shall be equivalent to and be counted as a vote for every candidate of a party~~
 35 ~~or body so marked, except its candidates for the offices of presidential electors;~~

1 (4) If he or she desires to vote for the presidential electors nominated by any party or
 2 body, he or she may make a cross (X) or check (✓) mark in the appropriate square at the
 3 left of the names of the candidates for President and Vice President of such party or body;
 4 and
 5 (5)(4) In case of a question submitted to the vote of the electors, he or she may make a
 6 cross (X) or check (✓) mark in the appropriate square opposite the answer which he or
 7 she desires to give."

8 **SECTION 35.**

9 Said chapter is further amended by striking Code Section 21-2-436, relating to the duties of
 10 poll officers after the close of the polls, in its entirety and inserting in lieu thereof a
 11 new Code Section 21-2-436 to read as follows:

12 "21-2-436.

13 After the polls are closed and the last elector has voted in precincts in which paper ballots
 14 are used, at least two poll officers shall remain within the enclosed space. Before the ballot
 15 box is opened, the number of ballots issued to electors, as shown by the stubs, and the
 16 number of ballots, if any, spoiled and returned by electors and canceled, shall be announced
 17 to all present in the voting room and entered upon the general returns of votes cast at such
 18 primary or election. The poll officer shall then compare the number of electors voting as
 19 shown by the stubs with the number of names shown as voting by the electors list, voter's
 20 certificates, and the numbered list of voters, and shall announce the result, and shall enter
 21 on the general returns the number of electors who have voted, as shown by the voter's
 22 certificates. If any differences exist, they shall be reconciled, if possible; otherwise, they
 23 shall be noted on the general returns. The electors list, the voter's certificates, the numbered
 24 list of voters, and the stubs of all ballots used, together with all unused ballots, all spoiled
 25 and canceled ballots, and all rejected voter's certificates, shall then be placed in separate
 26 packages, containers, or envelopes and sealed before the ballot box is opened."

27 **SECTION 36.**

28 Said chapter is further amended by striking subsection (e) of Code Section 21-2-437, relating
 29 to the procedure as to count and return of votes generally, in its entirety and inserting in lieu
 30 thereof a new subsection (e) to read as follows:

31 "(e) Any paper ballot marked by any other mark than a cross (X) or check (✓) mark in the
 32 spaces provided for that purpose shall be void and not counted; provided, however, that no
 33 vote recorded thereon shall be declared void because a cross (X) or check (✓) mark thereon
 34 is irregular in form. ~~Notwithstanding any other provisions of this chapter to the contrary,~~
 35 ~~if the voter has marked his or her ballot in such a manner that he or she has indicated~~

1 ~~clearly and without question the candidate which he or she desires to receive his or her~~
 2 ~~vote, his or her ballot shall be counted and such candidate shall receive his vote. A cross~~
 3 ~~(X) or check (✓) mark in the square opposite the names of the nominees of a political party~~
 4 ~~or body for the offices of President and Vice President shall be counted as a vote for every~~
 5 ~~candidate of that party or body for the offices of presidential electors."~~

6 SECTION 37.

7 Said chapter is further amended by striking Code Section 21-2-438, relating to ballots
 8 identifying vote, not marked, or improperly marked declared void, in its entirety and
 9 inserting in lieu thereof a new Code Section 21-2-438 to read as follows:

10 "21-2-438.

11 ~~(a) Any ballot marked so as to identify the voter shall be void and not counted, except a~~
 12 ~~ballot cast by a challenged elector whose name appears on the electors list; such challenged~~
 13 ~~vote shall be counted as prima facie valid but may be voided in the event of an election~~
 14 ~~contest. Any ballot marked by anything but pen or pencil shall be void and not counted.~~
 15 ~~Any erasure, mutilation, or defect in the vote for any candidate shall render void the vote~~
 16 ~~for such candidate but shall not invalidate the votes cast on the remainder of the ballot, if~~
 17 ~~otherwise properly marked. If an elector shall mark his or her ballot for more persons for~~
 18 ~~any nomination or office than there are candidates to be voted for such nomination or~~
 19 ~~office, or if, for any reason, it may be impossible to determine his or her choice for any~~
 20 ~~nomination or office, his or her ballot shall not be counted for such nomination or office;~~
 21 ~~but the ballot shall be counted for all nominations or offices for which it is properly~~
 22 ~~marked. Ballots not marked or improperly or defectively marked so that the whole ballot~~
 23 ~~is void, shall be set aside and shall be preserved with the other ballots. In primaries, votes~~
 24 ~~cast for candidates who have died, withdrawn, or been disqualified shall be void and shall~~
 25 ~~not be counted. In elections, votes for candidates who have died or been disqualified shall~~
 26 ~~be void and shall not be counted.~~

27 ~~(b) At elections, any ballot marked by any other mark than a cross (X) or check (✓) mark~~
 28 ~~in the spaces provided for that purpose shall be void and not counted; provided, however,~~
 29 ~~that no vote recorded thereon shall be declared void because a cross (X) or check (✓) mark~~
 30 ~~thereon is irregular in form. A cross (X) or check (✓) mark in the square opposite the~~
 31 ~~names of the nominees of a political party or body for the offices of President and Vice~~
 32 ~~President shall be counted as a vote for every candidate of that party or body for the offices~~
 33 ~~of presidential electors. Any ballot indicating a write-in for any person whose name is not~~
 34 ~~printed on the ballot and who properly gave notice of intent to run as a write-in candidate~~
 35 ~~pursuant to Code Section 21-2-133 shall be counted as a vote for such person, if written in~~

1 ~~the proper space or spaces provided for that purpose, whether or not a cross (X) or check~~
 2 ~~(✓) mark is placed before the name of such person.~~

3 ~~(c) Notwithstanding any other provisions of this chapter to the contrary, if the elector has~~
 4 ~~marked his or her ballot in such a manner that he or she has indicated clearly and without~~
 5 ~~question the candidate for whom he or she desires to cast his or her vote, his or her ballot~~
 6 ~~shall be counted and such candidate shall receive his or her vote, notwithstanding the fact~~
 7 ~~that the elector in indicating his or her choice may have marked his or her ballot in a~~
 8 ~~manner other than as prescribed by this chapter. Reserved.~~

9 **SECTION 38.**

10 Said chapter is further amended by striking Parts 3, 4, and 5 of Article 11, relating to the
 11 preparation for and conduct of primaries and elections for precincts using voting machines,
 12 vote recorders, and optical scanning voting equipment, respectively, in their entirety and
 13 inserting in lieu thereof a new Part 3 to read as follows:

14 "Part 3

15 21-2-450.

16 In precincts using optical scan vote counting systems, the poll officers shall, after taking
 17 the oath, publicly open the ballot boxes which have been furnished to them and shall, prior
 18 to the opening of the polls, totally destroy any ballots and other papers which they may find
 19 therein which are not intended for use in such primary or election. When the polling place
 20 is opened, the ballot box and tabulating machine controls shall be securely locked and shall
 21 not be opened until the close of the polls. At the opening of the polls, the seals of the
 22 packages furnished by the superintendent shall be publicly broken and such packages shall
 23 be opened by the chief manager. The cards of instruction shall be immediately posted in
 24 each voting booth or compartment. Not less than three such cards and notices of penalties
 25 shall be immediately posted in or about the voting room outside the enclosed space; and
 26 such cards of instruction and notices of penalties shall be given to any elector at his or her
 27 request so long as there are any on hand.

28 21-2-451.

29 (a) At every primary and election, each elector who desires to vote shall first execute a
 30 voter's certificate and hand the same to the poll officer in charge of the electors list. When
 31 an elector has been found entitled to vote, the poll officer who examined his or her voter's
 32 certificate shall sign his or her name or initials on the voter's certificate and shall, if the
 33 voter's signature is not readily legible, print such voter's name under his or her signature.

1 As each elector is found to be qualified and votes, the poll officers shall check off the
2 elector's name on the electors list and shall enter the number of the stub of the ballot issued
3 to him or her on the voter's certificate of such elector. As each elector votes, his or her
4 name in the order of voting shall be recorded in the numbered list of voters provided for
5 that purpose.

6 (b) If any elector was unable to sign his or her name at the time of registration or if, having
7 been able to sign his or her name when registered, he or she subsequently shall have
8 become, through physical disability, unable to sign his or her name when he or she applies
9 to vote, he or she shall establish his or her identity to the satisfaction of the poll officers;
10 and in such case he or she shall not be required to sign a voter's certificate, but a certificate
11 shall be prepared for him or her by a poll officer, upon which the facts as to such disability
12 shall be noted and attested by the signature of such poll officer.

13 (c) Except as provided in Code Sections 21-2-218 and 21-2-386, no person shall vote at
14 any primary or election at any polling place outside the precinct in which such person
15 resides, nor shall such person vote in the precinct in which such person resides unless such
16 person has been registered as an elector and such person's name appears on the electors list
17 of such precinct.

18 21-2-452.

19 After each elector has been admitted to vote, his or her voter's certificate shall be inserted
20 in the binder provided therefor by the registrars, and known as the voter's certificate
21 binder, and such voter's certificates so bound shall constitute the official list of electors
22 voting at such primary or election. All voter's certificates prepared by persons applying to
23 vote whose applications to vote are refused by the poll officers shall be separately
24 preserved and returned to the superintendent with the other papers.

25 21-2-453.

26 (a) No elector shall enter the enclosed space behind the guardrail provided for in
27 subsection (a) of Code Section 21-2-267 until he or she is found entitled to vote.

28 (b) When an elector has been admitted into the enclosed space, the poll officer having
29 charge of the official ballots shall detach a ballot from the stub and give it to the elector.
30 If an elector's right to vote has been challenged for cause under Code Section 21-2-230,
31 the poll officer shall write the word 'Challenged' and the alleged cause of challenge on the
32 back of the ballot. Not more than one ballot shall be detached from its stub in any book of
33 ballots at any one time. Not more than one ballot shall be given to an elector; but, if an
34 elector inadvertently spoils a ballot, such elector may obtain another upon returning the
35 spoiled one. The ballots thus returned shall be immediately canceled and at the close of the

1 polls shall be enclosed in an envelope, which shall be sealed and returned to the
2 superintendent.

3 21-2-454.

4 No official ballot shall be taken or detached from its stub in any book of ballots, except by
5 a poll officer when a person desiring to vote has been found to be an elector entitled to
6 vote. No person other than the poll officers shall take or remove any ballot from the
7 polling place. Only official ballots shall be deposited in the tabulating machine and
8 counted, except as otherwise provided in this part. If any ballot appears to have been
9 obtained otherwise than from the superintendent as provided by this article, the same shall
10 not be counted; and the chief manager shall transmit such ballot to the district attorney
11 without delay, together with whatever information he or she may have regarding the same.

12 21-2-455.

13 (a) In precincts in which optical scan vote counting systems are used, the elector, after
14 receiving his or her ballot, shall retire to one of the voting booths or compartments and
15 shall then prepare his or her ballot; provided, however, that an elector may, before entering
16 the voting booth or compartment, ask for instructions concerning the manner of voting, and
17 a poll officer shall give him or her such instructions; but no person giving an elector such
18 instructions shall in any manner request, suggest, or seek to persuade or induce any such
19 elector to vote any particular ticket or for any particular candidate or for or against any
20 particular question. After giving such instructions and before the elector enters the booth
21 or compartment or votes, the poll officer shall retire and the elector shall forthwith vote.

22 (b) At primaries, the elector shall prepare his or her ballot in the following manner: he or
23 she shall vote for the candidates of his or her choice for nomination or election, according
24 to the number of persons to be voted for by him or her, for each office, by completely
25 filling in the oval or the square opposite the name of each candidate. No elector shall be
26 permitted to cast a write-in ballot in a primary.

27 (c) At elections, the elector shall prepare his or her ballot in the following manner:

28 (1) He or she may vote for the candidates of his or her choice for each office to be filled
29 according to the number of persons to be voted for by him or her for each office, by
30 completely filling in the oval or the square opposite the name of the candidate;

31 (2) He or she may write, in the blank space provided therefor, any name not already
32 printed on the ballot, and completely fill in the oval or the square opposite the write-in
33 space;

1 (3) If he or she desires to vote for the presidential electors nominated by any party or
2 body, he or she may completely fill in the oval or the square next to the names of the
3 candidates for President and Vice President of such party or body; and

4 (4) In case of a question submitted to the vote of the electors, he or she may completely
5 fill in the oval or the square opposite the answer which he or she desires to give.

6 (d) He or she shall then leave the compartment and shall immediately deposit the ballot
7 in the tabulating machine.

8 21-2-456.

9 (a) In primaries and elections in which optical scan vote counting systems are used, the
10 ballots shall be counted at the precinct.

11 (b) All proceedings at the precincts shall be open to the view of the public, but no person
12 except the superintendent, the superintendent's authorized deputy, a poll officer, or a poll
13 worker shall touch any ballot or ballot container.

14 (c) For any election for which there is a qualified write-in candidate, the feature on the
15 tabulating machine allowing separation of write-in votes shall be utilized. If any vote cast
16 on the write-in ballot in combination with the vote cast for the same office on the ballot
17 exceeds the allowed number for the office, the vote cast for that office only shall not be
18 counted. In the discretion of the superintendent, either a duplicate ballot shall be made on
19 which any invalid vote shall be omitted or the write-in ballot and the ballot shall be counted
20 in such manner as may be prescribed by State Election Board rules, omitting the invalid
21 vote.

22 (d) The tabulating machine shall be programmed to return to the voter at the time that the
23 voter inserts the ballot any ballot that cannot be processed by the tabulator for reevaluation
24 or correction or spoiling of the ballot, and a new ballot shall be issued if needed.

25 (e) The official returns of the votes cast on ballots at each polling place shall be printed by
26 the tabulating machine. The returns thus prepared shall be certified and promptly posted.
27 The unused ballots; voted ballots; ballots; spoiled, defective, and invalid ballots; and
28 returns shall be filed and retained as provided by law.

29 21-2-457.

30 After the polls are closed and the last elector has voted in precincts in which optical scan
31 vote counting systems are used, at least two poll officers shall remain within the enclosed
32 space. Before the ballot box is opened or the controls of the tabulating machine are
33 unlocked, the number of ballots issued to electors, as shown by the stubs, and the number
34 of ballots, if any, spoiled and returned by electors and canceled, shall be announced to all
35 present in the voting room and entered upon the general returns of votes cast at such

1 primary or election. The poll officers shall then compare the number of electors voting as
 2 shown by the stubs with the number of names shown as voting by the electors list, voter's
 3 certificates, and the numbered list of voters and shall announce the result and shall enter
 4 on the general returns the number of electors who have voted, as shown by the voter's
 5 certificates. If any differences exist, they shall be reconciled, if possible; otherwise, they
 6 shall be noted on the general returns. The electors list, the voter's certificates, the numbered
 7 list of voters, and the stubs of all ballots used, together with all unused ballots, all spoiled
 8 and canceled ballots, and all rejected voter's certificates, shall then be placed in separate
 9 packages, containers, or envelopes and sealed before the ballot box is opened or the
 10 controls of the tabulating machine are unlocked.

11 21-2-458.

12 After completing the duties set forth in Code Section 21-2-457, the poll officers shall feed
 13 the ballots from the auxiliary compartment of the ballot box which have not yet been
 14 counted by the tabulating machine, if any, through the tabulating machine and, after all
 15 such ballots have been fed through the tabulator, the poll officers shall cause the tabulating
 16 machine to print out a tape with the total votes cast in each election. The poll officers shall
 17 then identify all valid write-in votes and total all such votes. Such write-in votes shall be
 18 counted and recorded in the manner in which they were written by the elector. The
 19 superintendent, in computing the votes cast at any election, shall compute and certify only
 20 those write-in votes properly cast for candidates who have given proper notice of intent to
 21 be write-in candidates pursuant to Code Section 21-2-133 exactly as such names were
 22 written by the elector."

23 **SECTION 39.**

24 Said chapter is further amended by striking subsections (c) through (l) of Code Section
 25 21-2-493, relating to the computation, canvassing, and tabulation of returns, in their entirety
 26 and inserting in lieu thereof new subsections (c) through (i) to read as follows:

27 "~~(c) In precincts in which paper ballots or vote recorders have been used, the~~ The
 28 superintendent may require the production of the ballot box and the recount of the ballots
 29 contained in such ballot box, either generally or respecting the particular office,
 30 nomination, or question as to which the excess exists, in the discretion of the
 31 superintendent, and may require the correction of the returns in accordance with the result
 32 of such recount. If the ballot box is found to contain more ballots than there are electors
 33 registered in such precinct or more ballots than the number of voters who voted in such
 34 precinct at such primary or election, the superintendent may, in his or her discretion,
 35 exclude the poll of that precinct, either as to all offices, candidates, questions, or parties and

1 bodies or as to any particular offices, candidates, questions, or parties and bodies, as to
2 which such excess exists.

3 ~~(d) In precincts in which voting machines have been used, the superintendent may require~~
4 ~~a canvass of the votes recorded on the machines used in the precinct, as provided in Code~~
5 ~~Section 21-2-495.~~

6 ~~(e) In precincts in which paper ballots or vote recorders have been used, the The general~~
7 ~~returns made by the poll officers from the various precincts shall be read one after another~~
8 ~~in the usual order, slowly and audibly, by one of the assistants who shall, in each case of~~
9 ~~a return from a precinct in which ballots were used, read therefrom the number of ballots~~
10 ~~issued, spoiled, canceled, and cast, respectively, whereupon the assistant having charge of~~
11 ~~the records of the superintendent showing the number of ballots furnished for each~~
12 ~~precinct, including the number of stubs and unused ballots and spoiled and canceled ballots~~
13 ~~returned, shall publicly announce the number of the same respectively; and, unless it~~
14 ~~appears by such number or calculations therefrom that such records and such general return~~
15 ~~correspond, no further returns shall be read from the latter until all discrepancies are~~
16 ~~explained to the satisfaction of the superintendent.~~

17 ~~(f) In precincts in which voting machines have been used, there shall be read from the~~
18 ~~general return the identifying number or other designation of each voting machine used and~~
19 ~~the numbers registered on the protective counter or device on each machine prior to the~~
20 ~~opening of the polls and immediately after the close of the same, whereupon the assistant~~
21 ~~having charge of the records of the superintendent showing the number registered on the~~
22 ~~protective counter or device of each voting machine prior to delivery at the polling place~~
23 ~~shall publicly announce the numbers so registered; and, unless it appears that such records~~
24 ~~and such general return correspond, no further returns shall be read from the latter until any~~
25 ~~and all discrepancies are explained to the satisfaction of the superintendent.~~

26 ~~(e) (g) In precincts in which paper ballots have been used, when When the records agree~~
27 ~~with such returns regarding the number of ballots and the number of votes recorded for~~
28 ~~each candidate, such votes for each candidate shall be read by an assistant slowly, audibly,~~
29 ~~and in an orderly manner from the general return which has been returned unsealed; and~~
30 ~~the figures announced shall be compared by other assistants with the general return which~~
31 ~~has been returned sealed. The figures announced for all precincts shall be compared by one~~
32 ~~of the assistants with the tally papers from the respective precincts. If any discrepancies are~~
33 ~~discovered, the superintendent shall examine all of the return sheets, tally papers, and other~~
34 ~~papers in his or her possession relating to the same precinct. If the tally papers and sealed~~
35 ~~general return sheet agree, the unsealed general return shall be immediately corrected to~~
36 ~~conform thereto. In every other case the superintendent shall immediately cause the ballot~~
37 ~~box of the precinct to be opened and the vote therein to be recounted in the presence of~~

1 interested candidates or their representatives; and, if the recount shall not be sufficient to
2 correct the error, the superintendent may summon the poll officers to appear immediately
3 with all election papers in their possession.

4 ~~(h) In precincts in which voting machines have been used, when the records agree with the~~
5 ~~returns regarding the number registered on the voting machine, the votes recorded for each~~
6 ~~candidate shall be read by an assistant slowly, audibly, and in an orderly manner from the~~
7 ~~general return sheet which has been returned unsealed, and the figures announced shall be~~
8 ~~compared by other assistants with the duplicate return sheet which has been returned~~
9 ~~sealed. If the voting machine is of the type equipped with a mechanism for printing paper~~
10 ~~proof sheets, such general and duplicate return sheets shall also be compared with such~~
11 ~~proof sheets, which have been returned as aforesaid. If any discrepancies are discovered,~~
12 ~~the superintendent shall examine all of the return sheets, proof sheets, and other papers in~~
13 ~~his or her possession relating to the same precinct. Such proof sheets shall be deemed to~~
14 ~~be prima-facie evidence of the result of the primary or election and to be prima facie~~
15 ~~accurate; and, if the proper proof sheets, properly identified, shall be mutually consistent~~
16 ~~and if the general and duplicate returns or either of such returns from such precinct shall~~
17 ~~not correspond with such proof sheets, they shall be corrected so as to correspond with~~
18 ~~such proof sheets in the absence of allegation of specific fraud or error proved to the~~
19 ~~satisfaction of the superintendent.~~

20 ~~(i) (f)~~ If any error or fraud is discovered, the superintendent shall compute and certify the
21 votes justly, regardless of any fraudulent or erroneous returns presented to him or her, and
22 shall report the facts to the appropriate district attorney for action.

23 ~~(j) (g)~~ The superintendent shall see that the votes shown by each absentee ballot are added
24 to the return received from the precinct of the elector casting such ballot.

25 ~~(k) (h)~~ As the returns from each precinct are read, computed, and found to be correct or
26 corrected as aforesaid, they shall be recorded on the blanks prepared for the purpose until
27 all the returns from the various precincts which are entitled to be counted shall have been
28 duly recorded; then they shall be added together, announced, and attested by the assistants
29 who made and computed the entries respectively and shall be signed by the superintendent.
30 The consolidated returns shall then be certified by the superintendent in the manner
31 required by this chapter. Such returns shall be certified by the superintendent not later than
32 5:00 P.M. on the seventh day following the date on which such election was held.

33 ~~(l) (i)~~ In such case where the results of an election contest change the returns so certified,
34 a corrected return shall be certified and filed by the superintendent which makes such
35 corrections as the court orders."

1 ~~representatives, shall unlock the voting and counting mechanism of the machine and shall~~
2 ~~proceed thoroughly to examine and test the machine to determine and reveal the true cause~~
3 ~~or causes, if any, of the discrepancy in returns from such machine. Each counter shall be~~
4 ~~reset at zero before it is tested, after which it shall be operated at least 100 times. After the~~
5 ~~completion of such examination and test, the custodian shall then and there prepare a~~
6 ~~statement, in writing, giving in detail the result of the examination and test, and such~~
7 ~~statement shall be witnessed by the persons present and shall be filed with the~~
8 ~~superintendent. If, upon such recanvass, it shall appear that the original canvass of the~~
9 ~~returns by the poll officers was incorrect, such returns and all papers being prepared by the~~
10 ~~superintendent shall be corrected accordingly; provided, however, that in the case of~~
11 ~~returns from any precinct wherein the primary or election was held by the use of a voting~~
12 ~~machine equipped with a mechanism for printing paper proof sheets, such proof sheets, if~~
13 ~~mutually consistent, shall be deemed to be prima-facie evidence of the result of the primary~~
14 ~~or election and to be prima facie accurate; and there shall not be considered to be any~~
15 ~~discrepancy or error in the returns from any such precinct, such as to require a recanvass~~
16 ~~of the vote, if all available proof sheets, from the voting machine used therein, identified~~
17 ~~to the satisfaction of the superintendent and shown to his or her satisfaction to have been~~
18 ~~produced from proper custody, shall be mutually consistent, and, if the general and~~
19 ~~duplicate returns, or either of such returns from such precincts shall not correspond with~~
20 ~~such proof sheets, they and all other papers being prepared by the superintendent shall be~~
21 ~~corrected so as to correspond with such proof sheets in the absence of allegation of specific~~
22 ~~fraud or error proved to the satisfaction of the superintendent by the weight of the evidence;~~
23 ~~and only in such case shall the vote of such precinct be recanvassed under this Code~~
24 ~~section.~~

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

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

7 ~~(d)~~ (c) Any other provision of this Code section to the contrary notwithstanding, a
 8 candidate for a federal or state office voted upon by the electors of more than one county
 9 may petition the Secretary of State for a recount ~~or recanvass~~ of votes, ~~as appropriate~~, when
 10 it appears that a discrepancy or error, although not apparent on the face of the returns, has
 11 been made. The recount ~~or recanvass~~ may be ordered in the discretion of the Secretary of
 12 State in any and all counties in which electors voted for such office, and said recount ~~or~~
 13 ~~recanvass~~ may be held at any time prior to the certification of the consolidated returns by
 14 the Secretary of State. A recount ~~or recanvass~~ shall be conducted by the appropriate
 15 superintendent or superintendents in the manner and pursuant to the procedures otherwise
 16 provided in this Code section for a recount ~~or recanvass~~, ~~as appropriate~~. The petition
 17 pursuant to this Code section shall be in writing and signed by the person or persons
 18 requesting the recount ~~or recanvass~~. A petition shall set forth the discrepancies or errors
 19 and any evidence in support of the petitioner's request for a recount ~~or recanvass~~ and shall
 20 be verified. The Secretary of State may require the petitioner or other persons to furnish
 21 additional information concerning the apparent discrepancies or errors in the counting ~~or~~
 22 ~~canvassing~~ of votes."

23 SECTION 41.

24 Said chapter is further amended by striking Code Section 21-2-500, relating to delivery of
 25 voting materials, in its entirety and inserting in lieu thereof a new Code Section 21-2-500 to
 26 read as follows:

27 "21-2-500.

28 (a) Immediately upon completing the returns required by this article, in the case of
 29 elections other than municipal elections, the superintendent shall deliver in sealed
 30 containers to the clerk of the superior court or, if designated by the clerk of the superior
 31 court, to the county records manager or other office or officer under the jurisdiction of a
 32 county governing authority which maintains or is responsible for records, as provided in
 33 Code Section 50-18-99, the used and void ballots and the stubs of all ballots used; one copy
 34 of the oaths of poll officers; and one copy of each numbered list of voters, tally paper,
 35 ~~voting machine paper proof sheet~~, and return sheet involved in the primary or election. In
 36 addition, the superintendent shall deliver copies of the ~~voting machine and vote recorder~~

1 ~~ballot labels~~, computer chips containing ballot tabulation programs, copies of computer
 2 records of ballot design, computer programming ~~decks~~ disks for ballot tabulation programs,
 3 and similar items or an electronic record of the program by which votes are to be recorded
 4 or tabulated, which is captured prior to the election, and which is stored on some alternative
 5 medium such as a CD-ROM or floppy disk simultaneously with the burning of the PROM
 6 or other memory storage device. The clerk, county records manager, or the office or officer
 7 designated by the clerk shall hold such ballots and other documents under seal, unless
 8 otherwise directed by the superior court, for at least 24 months, after which time they shall
 9 be presented to the grand jury for inspection at its next meeting. Such ballots and other
 10 documents shall be preserved in the office of the clerk, county records manager, or officer
 11 designated by the clerk until the adjournment of such grand jury, and then they may be
 12 destroyed, unless otherwise provided by order of the superior court.

13 (b) The superintendent shall retain all unused ballots for 30 days after the election or
 14 primary and, if no challenge or contest is filed prior to or during that period that could
 15 require future use of such ballots, may thereafter destroy such unused ballots. If a challenge
 16 or contest is filed during that period that could require the use of such ballots, they shall be
 17 retained until the final disposition of the challenge or contest and, if remaining unused, may
 18 thereafter be destroyed.

19 (c) Immediately upon completing the returns required by this article, the municipal
 20 superintendent shall deliver in sealed containers to the city clerk the used and void ballots
 21 and the stubs of all ballots used; one copy of the oaths of poll officers; and one copy of
 22 each numbered list of voters, tally paper, ~~voting machine paper proof sheet~~, and return
 23 sheet involved in the primary or election. In addition, the municipal superintendent shall
 24 deliver copies of the ~~voting machine and vote recorder ballot labels~~, computer chips
 25 containing ballot tabulation programs, copies of computer records of ballot design,
 26 computer programming ~~decks~~ disks for ballot tabulation programs, and similar items. Such
 27 ballots and other documents shall be preserved under seal in the office of the city clerk for
 28 at least 24 months; and then they may be destroyed unless otherwise provided by order of
 29 the mayor and council if a contest has been filed or by court order, provided that the
 30 electors list, voter's certificates, and duplicate oaths of assisted electors shall be
 31 immediately returned by the superintendent to the county or municipal registrar as
 32 appropriate."

33 SECTION 42.

34 Said chapter is further amended by striking Code Section 21-2-545, relating to procedure as
 35 to unopposed candidates, in its entirety and inserting in lieu thereof a new Code Section
 36 21-2-545 to read as follows:

1 "21-2-545.
 2 Any other provision of law to the contrary notwithstanding, in the event there is no
 3 opposed candidate in a precinct in a special primary, no special primary shall be held in
 4 such precinct. The proper officials of the unopposed candidate's political party shall certify
 5 him or her as the party nominee for the office involved for the purpose of having his or her
 6 name placed upon the special election ballots ~~or ballot labels~~. Where feasible, the
 7 superintendent shall provide notice reasonably calculated to inform the affected electorate
 8 that no special primary election is to be conducted. Each such unopposed candidate shall
 9 be deemed to have voted for himself or herself. The superintendent shall certify any such
 10 unopposed candidate as nominated in the same manner as he or she certifies other
 11 candidates nominated pursuant to Code Section 21-2-493."

12 SECTION 43.

13 Said chapter is further amended by striking Code Section 21-2-566, relating to interference
 14 with primaries and elections generally, in its entirety and inserting in lieu thereof a new Code
 15 Section 21-2-566 to read as follows:

16 "21-2-566.

17 Any person who:

- 18 (1) Willfully prevents or attempts to prevent any poll officer from holding any primary
 19 or election under this chapter;
 20 (2) Uses or threatens violence to any poll officer or interrupts or improperly interferes
 21 with the execution of his or her duty;
 22 (3) Willfully blocks or attempts to block the avenue to the door of any polling place;
 23 (4) Uses or threatens violence to any elector to prevent him or her from voting;
 24 (5) Willfully prepares or presents to any poll officer a fraudulent voter's certificate not
 25 signed by the elector whose certificate it purports to be;
 26 (6) Knowingly deposits fraudulent ballots in the ballot box; or
 27 (7) ~~Knowingly registers fraudulent votes upon any voting machine; or~~
 28 (8) Willfully tampers with any electors list, voter's certificate, numbered list of voters,
 29 ballot box, ~~voting machine, vote recorder,~~ or tabulating machine
 30 shall be guilty of a felony."

31 SECTION 44.

32 Said chapter is further amended by striking paragraphs (1) and (2) of Code Section 21-2-568,
 33 relating to entry into voting compartment or booth while another is voting, in their entirety
 34 and inserting in lieu thereof new paragraphs (1) and (2) to read as follows:

- 1 "(1) Goes into the voting compartment or ~~voting machine~~ booth while another is voting
 2 or marks the ballot or ballot card or ~~registers the vote~~ for another, except in strict
 3 accordance with this chapter;
 4 (2) Interferes with any elector marking his or her ballot or ballot card or ~~registering his or~~
 5 ~~her vote;~~"

6 SECTION 45.

7 Said chapter is further amended by striking Code Section 21-2-575, relating to counterfeit
 8 ballots, ballot cards, or ballot labels, in its entirety and inserting in lieu thereof a new Code
 9 Section 21-2-575 to read as follows:

10 "21-2-575.

11 (a) Any person who makes, constructs, or has in his or her possession any counterfeit of
 12 an official ballot; or ballot card; ~~or ballot label~~ shall be guilty of a felony.

13 (b) This Code section shall not be applied to facsimile ballots printed and published as an
 14 aid to electors in any newspaper generally and regularly circulated within this state, so long
 15 as such facsimile ballot is at least 25 percent larger or smaller than the official ballot of
 16 which it is a facsimile. This Code section shall not be applied to any sample or facsimile
 17 ballots ~~or ballot labels~~ obtained under Code Section 21-2-400. Nothing in this Code section
 18 shall be so construed as to prohibit the procurement and distribution of reprints of the said
 19 newspaper printings; nor shall it be so construed as to prohibit the preparation and
 20 distribution by election officials of facsimile ballots ~~and ballot labels~~ or portions thereof,
 21 provided that they are of a different color and at least 25 percent larger or smaller than the
 22 official ballots ~~or ballot labels~~.

23 (c) Nothing in this Code section shall be so construed as to prohibit any person from
 24 procuring and distributing reprints or portions of reprints of any sample or facsimile ballots
 25 ~~or ballot labels~~ as provided in Code Section 21-2-400, provided such reprints or portions
 26 of reprints are of a different color and at least 25 percent larger or smaller than the official
 27 ballots ~~or ballot labels~~."

28 SECTION 46.

29 Said chapter is further amended by striking Code Section 21-2-579, relating to fraudulently
 30 allowing ballot, ballot card, or voting machine to be seen, in its entirety and inserting in lieu
 31 thereof a new Code Section 21-2-579 to read as follows:

32 "21-2-579.

33 Any voter at any primary or election who:

1 (1) Allows his or her ballot; or ballot card; ~~or the face of the voting machine used by him~~
 2 ~~or her~~ to be seen by any person with the apparent intention of letting it be known for a
 3 fraudulent purpose how he or she is about to vote;

4 (2) Casts or attempts to cast any other than the official ballot or ballot card which has
 5 been given to him or her by the proper poll officer, or advises or procures another to do
 6 so;

7 (3) Without having made the affirmation under oath or declaration required by Code
 8 Section 21-2-409, or when the disability which he or she declared at the time of
 9 registration no longer exists, permits another to accompany him or her into the voting
 10 compartment or ~~voting machine~~ booth or to mark his or her ballot or ballot card ~~or to~~
 11 ~~register his or her vote on the voting machine or vote recorder~~; or

12 (4) States falsely to any poll officer that because of his or her inability to read the English
 13 language or because of blindness, near-blindness, or other physical disability he or she
 14 cannot mark the ballot or ballot card ~~or operate the voting machine~~ without assistance
 15 shall be guilty of a misdemeanor."

16 SECTION 47.

17 Said chapter is further amended by striking Code Section 21-2-580, relating to tampering
 18 with, damaging, improper preparation of, or prevention of proper operation of voting
 19 machines, in its entirety and inserting in lieu thereof a new Code Section 21-2-580 to read
 20 as follows:

21 "21-2-580.

22 Any person who:

23 (1) Unlawfully opens, tampers with, or damages any ~~voting~~ tabulating machine to be
 24 used or being used at any primary or election;

25 (2) Willfully prepares a ~~voting~~ tabulating machine for use in a primary or election in
 26 improper order for voting; or

27 (3) Prevents or attempts to prevent the correct operation of such machine
 28 shall be guilty of a felony."

29 SECTION 48.

30 Said chapter is further amended by striking Code Section 21-2-581, relating to unauthorized
 31 making or possession of voting machine key, in its entirety and inserting in lieu thereof a
 32 new Code Section 21-2-581 to read as follows:

1 "21-2-581.
 2 Any unauthorized person who makes or knowingly has in his or her possession a key to a
 3 ~~voting~~ tabulating machine to be used or being used in any primary or election shall be
 4 guilty of a felony."

5 **SECTION 49.**

6 Said chapter is further amended by striking Code Section 21-2-582, relating to tampering
 7 with, damaging, or preventing of proper operation of vote recorders or tabulating machines,
 8 in its entirety and inserting in lieu thereof a new Code Section 21-2-582 to read as follows:

9 "21-2-582.
 10 ~~Any person who tampers with or damages any vote recorder or tabulating machine to be~~
 11 ~~used or being used at or in connection with any primary or election or who prevents or~~
 12 ~~attempts to prevent the correct operation of any vote recorder or tabulating machine shall~~
 13 ~~be guilty of a felony.~~ Reserved."

14 **SECTION 50.**

15 Said chapter is further amended by striking Code Section 21-2-582.1, relating to penalty for
 16 voting equipment modification, in its entirety and inserting in lieu thereof a new Code
 17 Section 21-2-582.1 to read as follows:

18 "21-2-582.1.
 19 (a) For the purposes of this Code section, the term 'voting equipment' shall mean ~~a voting~~
 20 ~~machine, vote recorder, tabulating machine, an~~ optical scanning vote scan vote counting
 21 ~~system, or direct electronic recording voting system.~~
 22 (b) Any person or entity, including but not limited to a manufacturer or seller of voting
 23 equipment, who alters, modifies, or changes any aspect of such voting equipment without
 24 prior approval of the Secretary of State is guilty of a felony."

25 **SECTION 51.**

26 Said chapter is further amended by striking Code Section 21-2-587, relating to frauds by poll
 27 officers, in its entirety and inserting in lieu thereof a new Code Section 21-2-587 to read as
 28 follows:

29 "21-2-587.
 30 Any poll officer who willfully:
 31 (1) Makes a false return of the votes cast at any primary or election;
 32 (2) Deposits fraudulent ballots or ballot cards in the ballot box or certifies as correct a
 33 false return of ballots or ballot cards;

1 (3) ~~Registers fraudulent votes upon any voting machine or certifies as correct a return~~
 2 ~~of fraudulent votes cast upon any voting machine;~~

3 (4) Makes any false entries in the electors list;

4 (5)(4) Destroys or alters any ballot, ballot card, voter's certificate, or electors list;

5 (6)(5) ~~Tampers with any voting machine, vote recorder, or tabulating machine;~~

6 (7)(6) Prepares or files any false voter's certificate not prepared by or for an elector
 7 actually voting at such primary or election; or

8 (8)(7) Fails to return to the officials prescribed by this chapter, following any primary
 9 or election, any keys of a ~~voting~~ tabulating machine, ballot box, general or duplicate
 10 return sheet, tally paper, oaths of poll officers, affidavits of electors and others, record of
 11 assisted voters, numbered list of voters, electors list, voter's certificate, spoiled; and
 12 canceled ballots or ballot cards, ~~ballots or ballot cards deposited, written, or affixed in or~~
 13 ~~upon a voting machine,~~ or any certificate; or any other paper or record required to be
 14 returned under this chapter

15 shall be guilty of a felony."

16 SECTION 52.

17 Said chapter is further amended by striking Code Section 21-2-591, relating to poll officers
 18 permitting unlawful assistance to voters, in its entirety and inserting in lieu thereof a new
 19 Code Section 21-2-591 to read as follows:

20 "21-2-591.

21 Any poll officer who permits a voter to be accompanied by another into the voting
 22 compartment or ~~voting machine~~ booth when such poll officer knows that the disability
 23 which the voter declared at the time of registration no longer exists or that the disability
 24 which the voter declared at the time of voting did not exist shall be guilty of a
 25 misdemeanor."

26 SECTION 53.

27 For the purposes of evaluating and purchasing optical scan vote counting equipment, the
 28 development and publication of forms and documents required by this Act, and the
 29 promulgation of rules and regulations necessary to implement the provisions of this Act, this
 30 Act shall become effective upon its approval by the Governor or upon its becoming law
 31 without such approval. For all other purposes, this Act shall become effective on January 1,
 32 2002.

33 SECTION 54.

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