

The Senate State and Local Governmental Operations Committee offered the following substitute to HB 427:

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 clarify the definition of precinct; to authorize the
3 Secretary of State to develop, program, and build ballots for use by counties and
4 municipalities using direct recording electronic (DRE) voting systems; to require election
5 superintendents to complete a certification program; to provide for content of such program;
6 to change the requirements concerning the electronic filing of election returns by precinct;
7 to provide that governments employing superintendents and chief registrars may be fined by
8 the State Election Board for failing to have such employees complete certain training and
9 certification; to provide for waivers of certification in certain instances; to revise the
10 procedure for the calculation of qualifying fees for certain county officials; to change the
11 information required on candidate affidavits; to change certain provisions relating to
12 qualification of candidates for party nomination in a state or county primary; to change the
13 qualifications of county registrars and deputy registrars; to revise the rules for determining
14 residence for voter registration and candidate qualifying; to provide that persons shall not
15 vote in a primary runoff held by any other party for offices to be filled in the same election;
16 to require registrars to process promptly voter registration applications; to provide for the
17 electronic transmission of voter registration applications from designated voter registration
18 agencies; to change the time for challenging the right of certain persons to vote; to remove
19 the limitation on how often the Secretary of State can compare the electors list to the change
20 of address data base of the United States Postal Service; to provide for the arrangement of
21 polling places where DRE units are used; to authorize the use of colored stripes or blocks to
22 distinguish primary ballots; to authorize the precinct designation on absentee ballots to be
23 printed or stamped; to authorize the Secretary of State to include graphic designs or
24 photographs required to be placed on ballots as attachments to absentee ballots if significant
25 cost savings would result; to authorize counties to contract with municipalities for the use of
26 DRE voting systems; to repeal the provisions of law establishing the Twenty-first Century
27 Voting Commission and the pilot projects for electronic voting; to provide that the ovals
28 appearing on optical scanning ballots may be printed in red ink; to provide that the names of

1 presidential electors shall not appear on the ballot on DRE units and optical scanning ballots;
 2 to provide for testing of DRE units prior to a run-off primary or run-off election; to provide
 3 for the transfer of the zero tapes, results tapes, and memory cards to the superintendent; to
 4 prohibit distribution of absentee ballot applications under certain circumstances; to change
 5 the qualifications to vote by absentee ballot; to provide for the use of DRE voting systems
 6 for voting by absentee ballot in certain circumstances; to require that absentee ballots
 7 returned too late to be counted shall be delivered to the appropriate clerk for storage as
 8 provided by law; to provide for the storage of absentee ballot applications; to require certain
 9 poll officers to be present at least one hour prior to the opening of the polls; to prohibit
 10 certain persons from providing assistance in voting; to prohibit candidates from going to a
 11 polling place except to vote; to provide an exception for probate judges who serve as the
 12 election superintendent; to change the time to request a recount under certain circumstances;
 13 to authorize the Secretary of State to correct election returns when errors are found in the
 14 certified returns or in the tabulation, computation, or canvassing of the returns; to authorize
 15 the extension of deadlines to certify returns under certain circumstances; to clarify when a
 16 runoff is required and when such runoff shall be held; to require that appeals of election
 17 contests be heard by the Supreme Court; to require that DRE memory cards be returned to
 18 the proper officials after an election; to amend Code Section 50-12-101 of the Official Code
 19 of Georgia Annotated, relating to assignment of numbers by board to proposed constitutional
 20 amendments and Constitutions, so as to provide that the Constitutional Amendments
 21 Publication Board shall assign numbers or letters to state-wide referendums and shall prepare
 22 a short title or heading for such referendums; to provide for related matters; to repeal
 23 conflicting laws; and for other purposes.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

25 **SECTION 1.**

26 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
 27 primaries generally, is amended by striking paragraph (28) of Code Section 21-2-2, relating
 28 to definitions, and inserting in lieu thereof a new paragraph (28) to read as follows:

29 "(28) 'Precinct' is synonymous with the term 'voting precinct' and means a geographical
 30 area, established in accordance with this chapter, ~~within~~ from which all electors vote at
 31 one polling place."

SECTION 2.

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

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

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

(15) To develop, program, and build ballots for use by counties and municipalities on direct recording electronic (DRE) voting systems in use in the state."

SECTION 3.

Said chapter is further amended by striking paragraphs (13) and (14) of Code Section 21-2-70, relating to powers and duties of election superintendents, and inserting in lieu thereof new paragraphs (13), (14), and (15) to read as follows:

"(13) To conduct all elections in such manner as to guarantee the secrecy of the ballot and to perform such other duties as may be prescribed by law; and

(14) To become certified by satisfactorily completing a certification program approved by the Secretary of State no later than January 1, 2007. Such program may include instruction on, and may require the superintendent to demonstrate proficiency in, the operation of the state's direct recording electronic voting equipment and in state and federal law and procedures related to elections. In the case of boards of elections or boards of elections and registration, this requirement may be satisfied either by the certification of the members of the board or the board's designee; and

~~(14)~~(15) To take an oath in the following form:

I, _____, do swear (or affirm) that I will as superintendent duly attend the ensuing election (or primary) during the continuance thereof, that I will to the best of my ability prevent any fraud, deceit, or abuse in carrying on the same, that I will make a true and perfect return of the said election (or primary), and that I will at all times truly, impartially, and faithfully perform my duties in accordance with Georgia laws to the best of my judgment and ability."

SECTION 4.

Said chapter is further amended by adding a new subsection (c) to Code Section 21-2-70.1, relating to municipal election superintendents, to read as follows:

"(c) As prescribed and directed by the Secretary of State, the municipal superintendent or, in the case of a board of elections or board of elections and registration, its designee shall

1 satisfactorily complete a certification program approved by the Secretary of State no later
 2 than January 1, 2007. Such program may include instruction on, and may require the
 3 superintendent to demonstrate proficiency in, the operation of the voting equipment used
 4 in such superintendent's municipality and in state and federal law and procedures related
 5 to elections."

6 SECTION 5.

7 Said chapter is further amended by striking subsection (b) of Code Section 21-2-77, relating
 8 to electronic election returns, and inserting in lieu thereof a new subsection (b) to read as
 9 follows:

10 "(b) Beginning with the election cycle in the year 2002, the superintendent of elections of
 11 each county shall provide electronically to the Secretary of State, within ~~45~~ seven days
 12 after the close of voting, election returns divided by precinct for each precinct in their
 13 respective counties for all primaries, elections, special primaries, special elections, and
 14 runoffs for such elections for federal, state, ~~or~~ and county offices held in that year or any
 15 following year."

16 SECTION 6.

17 Said chapter is further amended by striking subsection (e) of Code Section 21-2-100, relating
 18 to training of local election officials, and inserting in lieu thereof a new subsection (e) to read
 19 as follows:

20 "(e) A superintendent, the board of registrars, and the governing authority which employs
 21 the superintendent or board of registrars may be fined by the State Election Board for
 22 failure to attend the training required in this Code section."

23 SECTION 7.

24 Said chapter is further amended by adding a new Code Section 21-2-101 to read as follows:

25 "21-2-101.

26 (a) All election superintendents or, in the case of a board of elections or a board of
 27 elections and registration, the designee of such board charged with the daily operations of
 28 such board shall become certified by completing a certification program approved by the
 29 Secretary of State by no later than January 1, 2007. Such program may include instruction
 30 on, and may require the superintendent to demonstrate proficiency in, the operation of the
 31 state's direct recording electronic voting equipment and in state and federal law and
 32 procedures related to elections. The local government employing the superintendent or
 33 designee shall cover the costs, if any, incurred by such superintendent or designee's
 34 participation in the certification program. Such certification programs shall be offered by

1 the Secretary of State on multiple occasions before January 1, 2007, and shall not exceed
 2 64 hours of classroom, online, and practical instruction as authorized and approved by the
 3 Secretary of State.

4 (b) A waiver of the certification requirement, either in whole or in part, may be granted
 5 by the Secretary of State, in the discretion of the Secretary of State, upon the presentation
 6 of evidence by the election superintendent or board that the individual was unable to
 7 complete such training due to medical disability, providential cause, or other reason
 8 deemed sufficient by the Secretary of State.

9 (c) A superintendent and the governing authority which employs the superintendent may
 10 be fined by the State Election Board for failure to attain the certification required in this
 11 Code section."

12 SECTION 8.

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

16 "(1)(A) The governing authority of any county or municipality, not later than
 17 February 1 of any year in which a general primary, nonpartisan election, or general
 18 election is to be held, and at least 35 days prior to the special primary or election in the
 19 case of a special primary or special election, shall fix and publish a qualifying fee for
 20 each county or municipal office to be filled in the upcoming primary or election. ~~Such~~
 21 Except as otherwise provided in subparagraph (B) of this paragraph, such fee shall be
 22 3 percent of the total gross salary of the office paid in the preceding calendar year
 23 including all supplements authorized by law if a salaried office, ~~provided, however,~~
 24 ~~that for~~

25 (B) For the offices of clerk of the superior court, judge of the probate court, sheriff, tax
 26 commissioner, and magistrate, the qualifying fee shall be 3 percent of the minimum
 27 salary provided by general law for the office specified in subsection (a) of Code Section
 28 15-6-88, paragraph (1) of subsection (a) of Code Section 15-9-63, subsection (a) of
 29 Code Section 15-10-23, paragraph (1) of subsection (a) of Code Section 15-16-20, and
 30 paragraph (1) of subsection (b) of Code Section 48-5-183, exclusive of supplements,
 31 cost-of-living increases, and longevity increases. For the office of members of the
 32 county governing authority, the qualifying fee shall be 3 percent of the base salary
 33 established by local Act of the General Assembly or by Code Section 36-5-25 as
 34 adjusted pursuant to Code Section 36-5-24, if applicable, exclusive of compensation
 35 supplements for training provided for in Code Section 36-5-27 and cost-of-living
 36 adjustments pursuant to Code Section 36-5-28. If not a salaried office, a reasonable fee

1 shall be set by the governing authority of such county or municipality, such fee not to
 2 exceed 3 percent of the income derived from such county office by the person holding
 3 the office for the preceding year or more than \$35.00 for a municipal office;”.

4 SECTION 9.

5 Said chapter is further amended by striking subsection (f) of Code Section 21-2-132, relating
 6 to filing notice of candidacy, nomination petition, and affidavit, and inserting in lieu thereof
 7 a new subsection (f) to read as follows:

8 “(f) Each candidate required by this Code section to file a notice of candidacy shall
 9 accompany his or her notice of candidacy with an affidavit stating:

10 (1) His or her full name and the name as the candidate desires it to be listed on the ballot;

11 ~~(1)~~(2) His or her residence, with street and number, if any, and his or her post office
 12 address;

13 ~~(2)~~(3) His or her profession, business, or occupation, if any;

14 ~~(3)~~(4) The name of his or her precinct;

15 ~~(4)~~(5) That he or she is an elector of the county or municipality of his or her residence
 16 eligible to vote in the election in which he or she is a candidate;

17 ~~(5)~~(6) The name of the office he or she is seeking;

18 ~~(6)~~(7) That he or she is eligible to hold such office;

19 ~~(7)~~(8) That the candidate has never been convicted and sentenced in any court of
 20 competent jurisdiction for fraudulent violation of primary or election laws, malfeasance
 21 in office, or felony involving moral turpitude or conviction of domestic violence under
 22 the laws of this state or any other state or of the United States, or that the candidate’s civil
 23 rights have been restored and that at least ten years have elapsed from the date of the
 24 completion of the sentence without a subsequent conviction of another felony involving
 25 moral turpitude; ~~and~~

26 ~~(8)~~(9) That he or she will not knowingly violate this chapter or rules and regulations
 27 adopted under this chapter; and

28 (10) Any other information as may be determined by the Secretary of State to be
 29 necessary to comply with federal and state law.

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

32 SECTION 10.

33 Said chapter is further amended by striking paragraph (1) of subsection (c) of Code Section
 34 21-2-153, relating to qualification of candidates for party nomination in a state or county
 35 primary, and inserting in lieu thereof the following:

1 (4.1) If a person removes to another county or municipality in this state with the
2 intention of making it such person's residence, such person shall be considered to have
3 lost such person's residence in the former county or municipality in this state;

4 (5) If a person removes to another state with the intention of remaining there an
5 indefinite time and making such state such person's place of residence, such person shall
6 be considered to have lost such person's residence in this state, notwithstanding that such
7 person may intend to return at some indefinite future period;

8 (6) If a person removes to another county or municipality within this state with the
9 intention of remaining there an indefinite time and making such other county or
10 municipality such person's place of residence, such person shall be considered to have
11 lost such person's residence in the former county or municipality, notwithstanding that
12 such person may intend to return at some indefinite future period;

13 (7) The residence for voting purposes of a person shall not be required to be the same as
14 the residence for voting purposes of his or her spouse;

15 (8) No person shall be deemed to have gained or lost a residence by reason of such
16 person's presence or absence while enrolled as a student at any college, university, or
17 other institution of learning in this state;

18 (9) The mere intention to acquire a new residence, without the fact of removal, shall
19 avail nothing; neither shall the fact of removal without the intention;

20 (10) No member of the armed forces of the United States shall be deemed to have
21 acquired a residence in this state by reason of being stationed on duty in this state;

22 (11) If a person removes to the District of Columbia or other federal territory, another
23 state, or foreign country to engage in government service, such person shall not be
24 considered to have lost such person's residence in this state during the period of such
25 service; and the place where the person resided at the time of such person's removal shall
26 be considered and held to be such person's place of residence;

27 (12) If a person is adjudged mentally ill and is committed to an institution for the
28 mentally ill, such person shall not be considered to have gained a residence ~~for voting~~
29 ~~purposes~~ in the county in which the institution to which such person is committed is
30 located;

31 (13) If a person goes into another state and while there exercises the right of a citizen by
32 voting, such person shall be considered to have lost such person's residence in this state;
33 ~~and~~

34 (14) The specific address in the county or municipality in which a person has declared
35 a homestead exemption, if a homestead exemption has been claimed, shall be deemed the
36 ~~county or municipality of the person's residence~~ address; and

1 (15) For voter registration purposes, the board of registrars and, for candidacy residency
 2 purposes, the Secretary of State, election superintendent, or hearing officer may consider
 3 evidence of where the person receives significant mail such as personal bills and any
 4 other evidence that indicates where the person resides.

5 (b) In determining a voter's qualification to register and vote, the registrars to whom such
 6 application is made shall consider, in addition to the applicant's expressed intent, any
 7 relevant circumstances determining the applicant's residence. The registrars taking such
 8 registration may consider the applicant's financial independence, business pursuits,
 9 employment, income sources, residence for income tax purposes, age, marital status,
 10 residence of parents, spouse, and children, if any, leaseholds, sites of personal and real
 11 property owned by the applicant, motor vehicle and other personal property registration,
 12 and other such factors that the registrars may reasonably deem necessary to determine the
 13 qualification of an applicant to vote in a primary or election. The decision of the registrars
 14 to whom such application is made shall be presumptive evidence of a person's residence
 15 for voting purposes."

16 **SECTION 15.**

17 Said chapter is further amended by adding a new subsection (l) to Code Section 21-2-222,
 18 relating to designated voter registration agencies, to read as follows:

19 "(l) The Secretary of State shall have the authority to promulgate rules and regulations to
 20 provide for the transmission of voter registration applications and signatures electronically
 21 from public assistance offices, offices which provide state funded programs primarily
 22 engaged in providing services to persons with disabilities, and recruitment offices of the
 23 armed forces of the United States located within this state. Such electronically transmitted
 24 signatures shall be valid as signatures on the voter registration application and shall be
 25 treated in all respects as a manually written original signature and shall be recognized as
 26 such in any matter concerning the voter registration application."

27 **SECTION 16.**

28 Said chapter is further amended by striking subsection (d) of Code Section 21-2-224, relating
 29 to registration deadlines, and inserting in lieu thereof a new subsection (d) to read as follows:

30 "(d) Each elector who makes timely application for registration, is found eligible by the
 31 board of registrars and placed on the official list of electors, and is not subsequently found
 32 to be disqualified to vote shall be promptly entered on the list of registered electors and
 33 shall be entitled to vote in any primary or election; provided, however, that an elector,
 34 voting in the primary or primaries held by a single party for the nomination of candidates
 35 to seek public offices to be filled in an election, shall not vote in a primary or primary

1 runoff held by any other party for the nomination of candidates to seek public offices to be
2 filled in the same such election."

3 **SECTION 17.**

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

7 "(a) Any elector of the county or municipality may challenge the right of any other elector
8 of the county or municipality, whose name appears on the list of electors, to vote in an
9 election. Such challenge shall be in writing and specify distinctly the grounds of such
10 challenge. Such challenge may be made at any time prior to the elector whose right to vote
11 is being challenged voting at the elector's polling place or, if such elector cast an absentee
12 ballot, prior to 5:00 p.m. on ~~12:00 Noon~~ on the day of before the election."

13 **SECTION 18.**

14 Said chapter is further amended by striking subsection (a) of Code Section 21-2-233, relating
15 to comparison of change of address information supplied by the United States Postal Service
16 with the electors list, and inserting in lieu thereof a new subsection (a) to read as follows:

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

21 **SECTION 19.**

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

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

1 with a guardrail or barrier closing the inner portion of such room, which guardrail or barrier
2 shall be so constructed and placed that only such persons as are inside such rail or barrier
3 can approach within six feet of the ballot box and voting compartments, or booths, or
4 voting machines, as the case may be. The ballot box and voting compartments or booths
5 shall be so arranged in the voting room within the enclosed space as to be in full view of
6 those persons in the room outside the guardrail or barrier. The voting machine or machines
7 shall be placed in the voting rooms within the enclosed space so that, unless its
8 construction shall otherwise require, the ballot labels on the face of the machine can be
9 plainly seen by the poll officers when the machine is not occupied by an elector. In the
10 case of direct recording electronic voting units, the units shall be arranged in such a manner
11 as to ensure the privacy of the elector while voting on such units, to allow monitoring of
12 the units by the poll officers while the polls are open, and to permit the public to observe
13 the voting without affecting the privacy of the electors as they vote."

14 SECTION 20.

15 Said chapter is further amended by striking paragraph (1) of subsection (b) of Code Section
16 21-2-286, relating to printing specifications, numbering, and binding of ballots, and inserting
17 a new paragraph (1) to read as follows:

18 "(b)(1) Paper ballots other than those printed for optical scanning voting systems shall
19 be at least six inches long and four inches wide and shall have a margin extending beyond
20 any printing thereon. They shall be printed with the same kind of type, which shall not
21 be smaller than the size known as 'brevier' or 'eight-point body,' upon white paper of
22 uniform quality, without any impression or mark to distinguish one from another, and
23 with sufficient thickness to prevent the printed matter from showing through, except that
24 ballots being used in primaries held by more than one party may be of different colors or
25 may have colored stripes or blocks to distinguish the ballots if the parties so agree. Each
26 ballot shall be attached to a name stub, and all the ballots for the same precinct shall be
27 bound together in books of 25, 50, or 100, in such manner that each ballot may be
28 detached from its stub and removed separately. The ballots for each party to be used at
29 a primary shall be bound separately. The name stubs of the ballots shall be consecutively
30 numbered; and, in the case of primary ballots, the number shall be preceded by an initial
31 or abbreviation designating the party name. The number and initial or abbreviation which
32 appears upon the stub shall also be printed in the upper portion of the front of the ballot,
33 separated from the remainder of the ballot by a horizontal perforated line so as to
34 constitute a number strip and so prepared that the upper portion of the front of the ballot
35 containing the number may be detached from the ballot before it is deposited in the ballot

1 box. The number strip on the ballot shall also have the following words printed thereon:
2 "Tear off before depositing ballot in ballot box."

3 SECTION 21.

4 Said chapter is further amended by striking Code Section 21-2-287, relating to form of
5 absentee ballots, and inserting in lieu thereof a new Code Section 21-2-287 to read as
6 follows:

7 "21-2-287.

8 (a) The form for the absentee ballot shall be in substantially the same form as the official
9 ballots used in the precincts, except it shall be printed with only the name stub and without
10 a number strip and may have the precinct designation printed or stamped thereon.

11 (b) When a graphic design or photograph is authorized or mandated to be placed on a
12 ballot, the Secretary of State may, in his or her discretion in setting out the ballot format,
13 include such design or photograph as an attachment to all absentee ballots, rather than
14 including such graphic design or photograph on the actual absentee ballot itself, if attaching
15 the graphic design or photograph would result in significant cost savings in the preparation
16 of such ballots."

17 SECTION 22.

18 Said chapter is further amended by adding a new subsection (e) to Code Section 21-2-300,
19 relating to provision of new voting equipment by state, to read as follows:

20 "(e)(1) Counties shall be authorized to contract with municipal governments for the use of
21 such voting equipment in municipal elections under terms and conditions specified by the
22 Secretary of State to assure that the equipment is properly used and kept secure.

23 (2) Notwithstanding the provisions of Code Section 21-2-45, counties may not levy a fee
24 for use of state owned voting equipment but may require municipalities to reimburse the
25 county for the actual expenses related to the election or elections that are subject to the
26 county and municipal contract."

27 SECTION 23.

28 Said chapter is further amended by repealing Code Section 21-2-301, relating to a pilot
29 program, which reads as follows:

30 "~~21-2-301.~~

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

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

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

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

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

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

36 ~~(3) The commission shall make a report to the Governor and the General Assembly by~~
37 ~~December 31, 2001, on the results of the pilot project and shall further advise the~~

1 ~~Secretary of State on the choice of voting equipment to be used state wide in all counties~~
 2 ~~pursuant to Code Section 21-2-300.~~

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

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

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

13 **SECTION 24.**

14 Said chapter is further amended by striking subsection (a) of Code Section 21-2-369, relating
 15 to printing of optical scanning ballots, and inserting in lieu thereof a new subsection (a) to
 16 read as follows:

17 "(a) The ballots shall be printed in black ink upon clear, white, or colored material, of such
 18 size and arrangement as will suit the construction of the optical scanner, and in plain, clear
 19 type so as to be easily readable by persons with normal vision; provided, however, that red
 20 material shall not be used except that all ovals appearing on the ballot to indicate where a
 21 voter should mark to cast a vote may be printed in red ink."

22 **SECTION 25.**

23 Said chapter is further amended by striking subsection (e) of Code Section 21-2-379.5,
 24 relating to ballot information, and inserting in lieu thereof a new subsection (e) to read as
 25 follows:

26 "(e) When presidential electors are to be elected, the ballot shall not list the individual
 27 names of the candidates for presidential electors but shall list the names of each political
 28 party and body and the names of the political party or body candidates for the office of
 29 President and Vice President. The individual names or the nominees of each political party
 30 or body for such offices shall be posted at each polling place with the sample ballots
 31 required by subsection (d) of Code Section 21-2-379.7 arranged alphabetically under the
 32 names of the candidates of the party or body for President and Vice President of the United
 33 States. A vote for the candidates for President and Vice President of a political party or
 34 body shall be deemed to be a vote for each of the candidates for presidential electors of
 35 such political party or body."

1 (1) The manager shall obtain the ~~tabulating~~ results tape from each DRE unit and verify
 2 that the number of ballots cast as recorded on the tape matches the public count number
 3 as displayed on the DRE unit;

4 (2) If a system is established by the Secretary of State, the poll manager shall first
 5 transmit the election results extracted from each DRE unit in each precinct via modem
 6 to the central tabulating center of the county; and

7 (3) The manager shall then extract the ~~ballot storage medium~~ memory card from each
 8 DRE unit.

9 (d) Upon completion of shutting down each DRE unit and extracting the election results,
 10 the manager shall cause to be completed and signed a ballot recap form, in sufficient
 11 counterparts, showing:

12 (1) The number of valid ballots;

13 (2) The number of spoiled and invalid ballots;

14 (3) The number of provisional ballots; and

15 (4) The number of unused provisional ballots and any other unused ballots.

16 The manager shall cause to be placed in the ballot supply container one copy of the recap
 17 form and any unused, defective, spoiled, and invalid ballots, each enclosed in an envelope.

18 (e) The manager shall ~~wrap~~ collect and retain the zero tape and the ~~tabulating~~ results tape
 19 for each DRE unit ~~around the ballot storage medium~~ and place such tapes with the memory
 20 card for ~~that~~ each unit and enclose all such items for all of the DRE units used in the
 21 precinct in an one envelope which shall be sealed and initialed by the manager so that it
 22 cannot be opened without breaking the seal. ~~One envelope shall be used for the~~
 23 ~~documentation for each DRE unit and all envelopes from the polling place shall be placed~~
 24 ~~in an envelope container which shall also be sealed so that it cannot be opened without~~
 25 ~~breaking the seal.~~

26 (f) The manager and one poll worker shall then deliver the envelope ~~container~~ to the
 27 tabulating center for the county or municipality or to such other place designated by the
 28 superintendent and shall receive a receipt therefor. The copies of the recap forms, unused
 29 ballots, records, and other materials shall be returned to the designated location and
 30 retained as provided by law.

31 (g) Upon receipt of the sealed ~~envelopes~~ envelope containing the zero tapes, ~~tabulating~~
 32 results tapes, and ~~ballot storage media~~ memory cards, the election superintendent shall
 33 verify the signatures on the envelope. Once verified, the superintendent shall break the seal
 34 of the envelope and remove its contents. The superintendent shall then download the
 35 results stored on the ~~ballot storage medium~~ memory card from each DRE unit into the
 36 election management system located at the central tabulation point of the county in order
 37 to obtain election results for certification."

SECTION 28.

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

"21-2-380.

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

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

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

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

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

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

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

(7) Has a limited proficiency in reading the English language but is proficient in reading and speaking another language.

(b) An elector who casts an absentee ballot in person at the registrar's office or absentee ballot clerk's office during the period of Monday through Friday of the week immediately preceding the date of a primary, election, or run-off primary or election shall not be required to provide a reason as identified in subsection (a) of this Code section in order to cast an absentee ballot in such primary, election, or run-off primary or election."

SECTION 29.

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

"(3) All applications for an official absentee ballot that are distributed by a person, entity, or organization shall list thereon all of the legally acceptable categories of absentee electors contained in Code Section 21-2-380 and shall require the elector to select the category which qualifies the elector to vote by absentee ballot. No application for an official absentee ballot that is physically attached to a publication that advocates for or

1 against a particular candidate, issue, political party, or political body shall be distributed
 2 by any person, entity, or organization."

3 SECTION 30.

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

7 "21-2-383.

8 (a) Ballots for use by absentee electors shall be prepared sufficiently in advance by the
 9 superintendent and shall be delivered to the board of registrars or absentee ballot clerk as
 10 provided in Code Section 21-2-384. Such ballots shall be marked 'Official Absentee Ballot'
 11 and shall be in substantially the form for ballots required by Article 8 of this chapter,
 12 except that in counties using voting machines or vote recorders the ballots may be in
 13 substantially the form for the ballot labels required by Article 9 of this chapter or in such
 14 form as will allow the ballot to be machine tabulated. Every such ballot shall have printed
 15 with other instructions thereon the following:

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

19 The form for either ballot shall be determined and prescribed by the Secretary of State,
 20 except in municipal primaries or elections, in which the form of absentee ballots which
 21 follows the paper ballot format shall be determined and prescribed by the superintendent.

22 (b) Notwithstanding any other provision of this Code section, direct recording electronic
 23 voting systems may be used for casting absentee ballots in person at a registrar's office or
 24 in accordance with Code Section 21-2-382, providing for additional sites. In such cases,
 25 the absentee ballots shall be coded in such a way that the ballot of a challenged voter can
 26 be separated from other valid ballots at the time of tabulation until the challenge is
 27 resolved."

28 SECTION 31.

29 Said chapter is further amended by striking paragraph (1) of subsection (a) and striking
 30 subsection (e) of Code Section 21-2-386, relating to safekeeping, certification, and validation
 31 of absentee ballots, and inserting in lieu thereof a new paragraph (1) and a new subsection
 32 (e) to read as follows:

33 "(a)(1) The board of registrars or absentee ballot clerk shall keep safely and unopened
 34 all official absentee ballots received from absentee electors prior to the closing of the
 35 polls on the day of the primary or election except as otherwise provided in this

1 subsection. Upon receipt of each ballot, a registrar or clerk shall write the day and hour
2 of the receipt of the ballot on its envelope. The registrar or clerk shall then compare the
3 identifying information on the oath with the information on file in his or her office, shall
4 compare the signature or mark on the oath with the signature or mark on the absentee
5 elector's application for absentee ballot or a facsimile of said signature or mark taken
6 from said application, and shall, if the information and signature appear to be valid, so
7 certify by signing or initialing his or her name below the voter's oath. Each elector's
8 name so certified shall be listed by the registrar or clerk on the numbered list of absentee
9 voters prepared for his or her precinct. If the elector has failed to sign the oath, or if the
10 signature does not appear to be valid, or if the elector has failed to furnish required
11 information or information so furnished does not conform with that on file in the
12 registrar's or clerk's office, or if the elector is otherwise found disqualified to vote, the
13 registrar or clerk shall write across the face of the envelope 'Rejected,' giving the reason
14 therefor. The board of registrars or absentee ballot clerk shall promptly notify the elector
15 of such rejection, a copy of which notification shall be retained in the files of the board
16 of registrars or absentee ballot clerk for at least one year. Three copies of the numbered
17 list of voters shall also be prepared for such rejected absentee electors, giving the name
18 of the elector and the reason for the rejection in each case. Three copies of the numbered
19 list of certified absentee voters and three copies of the numbered list of rejected absentee
20 voters for each precinct shall be turned over to the poll manager in charge of counting the
21 absentee ballots and shall be distributed as required by law for numbered lists of voters.
22 All absentee ballots returned to the board or absentee ballot clerk after the closing of the
23 polls on the day of the primary or election shall be safely kept unopened by the board or
24 absentee ballot clerk and then transferred to the appropriate clerk for storage for the
25 period of time required for the preservation of ballots used at the primary or election and
26 shall then, without being opened, be destroyed in like manner as the used ballots of the
27 primary or election. The board of registrars or absentee ballot clerk shall promptly notify
28 the elector by first-class mail that the elector's ballot was returned too late to be counted
29 and that the elector will not receive credit for voting in the primary or election. All such
30 late absentee ballots shall be delivered to the appropriate clerk and stored as provided in
31 Code Section 21-2-390."

32 "(e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall
33 open the envelopes and write 'Challenged,' the elector's name, and the alleged cause of
34 challenge on the back of the ballot, without disclosing the markings on the face thereof, and
35 shall deposit the ballot in the box; and it shall be counted as other challenged ballots are
36 counted. In the case of absentee votes cast on direct recording electronic voting systems,
37 the ballots shall be coded in such a way that the ballot of a challenged voter can be

1 separated from other valid ballots at the time of tabulation and the challenged ballots shall
 2 be counted or rejected in accordance with Code Section 21-2-230. The board of registrars
 3 or absentee ballot clerk shall promptly notify the elector of such challenge."

4 **SECTION 32.**

5 Said chapter is further amended by striking Code Section 21-2-390, relating to delivery of
 6 election materials to clerk of superior court or city clerk after primary or election, and
 7 inserting in lieu thereof a new Code Section 21-2-390 to read as follows:

8 "21-2-390.

9 All official absentee ballots, ~~applications for such ballots,~~ and envelopes on which the
 10 forms of affidavits and jurats appear shall be delivered to the clerk of the superior court or
 11 the city clerk upon the conclusion of the primary or election and shall be safely kept by him
 12 or her for the period required by law and then shall be destroyed. The applications for such
 13 ballots shall be retained by the board of registrars or the municipal absentee ballot clerk for
 14 at least 24 months and then may be destroyed. On the day following the primary or
 15 election, the board of registrars or the municipal absentee ballot clerk shall transmit all
 16 canceled, spoiled, and rejected absentee ballots and copies of requests for cancellation of
 17 absentee ballots to the clerk of the superior court or the city clerk to be held with other
 18 election materials as provided in Code Section 21-2-500. The registrars or the municipal
 19 absentee ballot clerk shall also transmit an accounting of all absentee ballots, including the
 20 number furnished by the registrars or the municipal absentee ballot clerk, the number
 21 issued to electors, the number spoiled, and the number rejected."

22 **SECTION 33.**

23 Said chapter is further amended by striking subsection (a) of Code Section 21-2-405, relating
 24 to meeting of poll officers at place of primary or election, an inserting in lieu thereof a new
 25 subsection (a) and adding a new subsection (e) to read as follows:

26 "(a) The chief manager and two assistant managers shall meet in the respective places
 27 appointed for holding the primary or election in each precinct at least one hour before the
 28 hour for opening the polls on the day of each primary or election. The other required poll
 29 officers shall meet in the respective places appointed for holding the primary or election
 30 in each precinct at least 30 minutes before the hour for opening the polls on the day of each
 31 primary or election. Before entering upon their duties at any primary or election, all poll
 32 officers shall take and subscribe in duplicate to the oaths required by this chapter."

33 "(e) Nothing in this Code section shall prohibit a county or municipality from offering poll
 34 officers, other than the chief manager and assistant managers, the option of working part
 35 of an election day, rather than the entire day from the opening of the polls to the closing

1 of the polls and completion of the required duties following the closing of the polls. In
 2 such cases, any poll officer who begins a shift of work after the opening of the polls shall
 3 take and subscribe the same oath as required of poll officers in subsection (a) of this Code
 4 section and shall handle such duties as assigned by the chief manager."

5 **SECTION 34.**

6 Said chapter is further amended by striking paragraph (2) of subsection (b) of Code Section
 7 21-2-409, relating to assisting electors who cannot read English or who have physical
 8 disabilities, and inserting in lieu thereof a new paragraph (2) to read as follows:

9 "(2) In all other elections, any elector who is entitled to receive assistance in voting under
 10 this Code section shall be permitted by the managers to select (1) any elector, except a
 11 poll officer or poll watcher, who is a resident of the precinct in which the elector
 12 requiring assistance is attempting to vote; or (2) the mother, father, sister, brother, spouse,
 13 or child of the elector entitled to receive assistance, to enter the voting compartment or
 14 booth with him or her to assist in voting, such assistance to be rendered inside the voting
 15 compartment or booth. No person shall assist more than ten such electors in any primary,
 16 election, or runoff covered by this paragraph. No person whose name appears on the
 17 ballot as a candidate at a particular election nor the mother, father, grandparent, aunt,
 18 uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law,
 19 daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law of that
 20 candidate may offer assistance during that particular election under the provisions of this
 21 Code section to any voter who is not related to such candidate. For the purposes of this
 22 paragraph, 'related to such candidate' shall mean the candidate's mother, father,
 23 grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild,
 24 son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or
 25 sister-in-law."

26 **SECTION 35.**

27 Said chapter is further amended by striking subsections (f) and (g) of Code Section 21-2-414,
 28 relating to restrictions on campaign activities and public opinion polling within the vicinity
 29 of a polling place, and inserting in lieu thereof new subsections (f), (g), and (h) to read as
 30 follows:

31 "(f) No person whose name appears as a candidate on the ballot being voted upon at a
 32 primary, election, special primary, or special election, except a judge of the probate court
 33 serving as the election superintendent, shall physically enter any polling place other than
 34 the polling place at which that person is authorized to cast his or her ballot for that primary,
 35 election, special primary, or special election and, after casting his or her ballot, the

1 candidate shall not return to such polling place until after the poll has closed and voting has
 2 ceased. Judges of the probate court serving as election superintendents shall enter polling
 3 places only as necessary to fulfill their duties as election superintendents and shall not
 4 engage in any practice prohibited by this Code section.

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

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

10 SECTION 36.

11 Said chapter is further amended by striking subsection (g) of Code Section 21-2-480, relating
 12 to form and arrangement of optical scanning voting equipment, and inserting in lieu thereof
 13 a new subsection (g) to read as follows:

14 "(g) When presidential electors are to be elected, the ballot shall not list the individual
 15 names of the candidates for presidential electors but shall list the names of each political
 16 party and body and the names of the political party or body candidates for the office of
 17 President and Vice President. The individual names or the nominees of each political party
 18 or body for such offices shall be posted at each polling place with the sample ballots
 19 required by subsection (c) of Code Section 21-2-375 arranged alphabetically under the
 20 names of the candidates of the party or body for President and Vice President of the United
 21 States. A vote for the candidates for President and Vice President of a political party or
 22 body shall be deemed to be a vote for each of the candidates for presidential electors of
 23 such political party or body."

24 SECTION 37.

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

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

1 percent of the total votes cast, within a period of ~~five~~ two business days following the
 2 certification of the election results, shall have the right to a recount of the votes cast, if such
 3 request is made in writing by the losing candidate. If the office sought is a federal or state
 4 office voted upon by the electors of more than one county, the request shall be made to the
 5 Secretary of State who shall direct that the recount be performed in all counties in which
 6 electors voted for such office and notify the superintendents of the several counties
 7 involved of the request. In all other cases, the request shall be made to the superintendent.
 8 The superintendent or superintendents shall order a recount of such votes to be made
 9 immediately. If, upon such recount, it is determined that the original count was incorrect,
 10 the returns and all papers prepared by the superintendent, the superintendents, or the
 11 Secretary of State shall be corrected accordingly and the results recertified."

12 SECTION 38.

13 Said chapter is further amended by striking Code Section 21-2-499, relating to duty of
 14 Secretary of State as to tabulation, computation, and canvassing of votes for state and federal
 15 officers, in its entirety and inserting in lieu thereof a new Code Section 21-2-499 to read as
 16 follows:

17 "21-2-499.

18 (a) Upon receiving the certified returns of any election from the various superintendents,
 19 the Secretary of State shall immediately proceed to tabulate, compute, and canvass the
 20 votes cast for all candidates described in subparagraph (A) of paragraph (4) of Code
 21 Section 21-2-497 and upon all questions voted for by the electors of more than one county
 22 and shall thereupon certify and file in his or her office the tabulation thereof. In the event
 23 an error is found in the certified returns presented to the Secretary of State or in the
 24 tabulation, computation, or canvassing of votes as described in this Code section, the
 25 Secretary of State shall notify the county submitting the incorrect returns and direct the
 26 county to correct and recertify such returns. Upon receipt by the Secretary of State of the
 27 corrected certified returns of the county, the Secretary of State shall issue a new
 28 certification of the results and shall file the same in his or her office.

29 (b) The Secretary of State shall also, upon receiving the certified returns for presidential
 30 electors, proceed to tabulate, compute, and canvass the votes cast for each slate of
 31 presidential electors and shall immediately lay them before the Governor. Not later than
 32 5:00 P.M. on the fourteenth day following the date on which such election was conducted,
 33 the Secretary of State shall certify the votes cast for all candidates described in
 34 subparagraph (A) of paragraph (4) of Code Section 21-2-497 and upon all questions voted
 35 for by the electors of more than one county and shall no later than that same time lay the
 36 returns for presidential electors before the Governor. The Governor shall enumerate and

1 ascertain the number of votes for each person so voted and shall certify the slates of
 2 presidential electors receiving the highest number of votes. The Governor shall certify the
 3 slates of presidential electors no later than 5:00 P.M. on the fifteenth day following the date
 4 on which such election was conducted. Notwithstanding the deadlines specified in this
 5 Code section, such times may be altered for just cause by an order of a judge of superior
 6 court of this state.

7 ~~(b)~~(c) The Secretary of State shall not count, tabulate, or publish the names of any write-in
 8 candidates for whom the notice of intention of candidacy has not been provided in
 9 compliance with Code Section 21-2-133."

10 SECTION 39.

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

14 "(a) Except as otherwise provided in this Code section, no candidate shall be nominated
 15 for public office in any primary or special primary or elected to public office in any special
 16 election unless such candidate shall have received a majority of the votes cast to fill such
 17 nomination or public office. In instances where no candidate receives a majority of the
 18 votes cast, a run-off primary, special primary runoff, or special election runoff between the
 19 candidates receiving the two highest numbers of votes shall be held. Unless such date is
 20 postponed by a court order, such run-off primary, special primary runoff, or special
 21 election runoff shall be held on the twenty-first day after the day of holding the preceding
 22 primary or special election, provided that, unless postponed by court order, a runoff in the
 23 case of a special primary or special election shall be held no sooner than the fourteenth day
 24 and no later than the twenty-first day after the day of holding the preceding special primary
 25 or special election, which run-off day shall be determined by the Secretary of State in a
 26 runoff to fill a federal or state office or by the superintendent in a runoff to fill a county or
 27 militia district office. If any candidate eligible to be in a runoff withdraws, dies, or is found
 28 to be ineligible, the remaining candidates receiving the two highest numbers of votes shall
 29 be the candidates in the runoff. The candidate receiving the highest number of the votes
 30 cast in such run-off primary, special primary runoff, or special election runoff to fill the
 31 nomination or public office sought shall be declared the winner. The name of a write-in
 32 candidate eligible for election in a runoff shall be printed on the special election run-off
 33 ballot in the independent column. The run-off primary, special primary runoff, or special
 34 election runoff shall be a continuation of the primary, special primary, or special election
 35 for the particular office concerned. Only the electors who were ~~entitled~~ duly registered to
 36 vote and not subsequently deemed disqualified to vote in the primary, special primary, or

1 special election for candidates for that particular office shall be entitled to vote therein, and
 2 only those votes cast for the persons designated as candidates in such run-off primary,
 3 special primary runoff, or special election runoff shall be counted in the tabulation and
 4 canvass of the votes cast. No elector shall vote in a run-off primary or special primary
 5 runoff in violation of Code Section 21-2-224."

6 "(g) In the event that no candidate receives a plurality of the votes cast in a general election
 7 ~~or more than one candidate in a general election, special election runoff, or run-off primary~~
 8 ~~receives the highest number of votes cast~~, a runoff of the general election, ~~special election~~
 9 ~~runoff, or run-off primary~~ between the candidates receiving the two highest numbers of
 10 votes shall be held. If more than one candidate in a general election receives a plurality of
 11 the votes cast, the candidate receiving the highest number of votes cast shall be declared
 12 the winner. Unless such date is postponed by a court order, such runoff shall be held on
 13 the twenty-first day after the day of holding the preceding general election, ~~special election~~
 14 ~~runoff, or run-off primary~~. If any candidate eligible to be in such runoff withdraws, dies,
 15 or is found to be ineligible, the remaining candidates receiving the two highest numbers of
 16 votes shall be the candidates in the runoff. The candidate receiving the highest number of
 17 the votes cast in such runoff to fill the ~~nomination~~ or public office such candidate seeks
 18 shall be declared the winner. The name of a write-in candidate eligible for election in a
 19 runoff shall be printed on the run-off election ballot in the independent column. The ~~runoff~~
 20 ~~of a run-off primary or special election runoff shall be a continuation of the primary or~~
 21 ~~special election for the particular office concerned, and the run-off election of a general~~
 22 election shall be a continuation of the general election for the particular office concerned.
 23 Only the electors who were ~~entitled~~ duly registered to vote and not subsequently deemed
 24 disqualified to vote for that particular office in such ~~primary or special election or general~~
 25 election, ~~respectively~~, shall be entitled to vote therein, and only those votes cast for the
 26 persons designated as candidates in such runoff shall be counted in the tabulation and
 27 canvass of the votes cast. ~~No elector shall vote in a run-off primary in violation of Code~~
 28 ~~Section 21-2-224."~~

29 SECTION 40.

30 Said chapter is further amended by striking Code Section 21-2-528, relating to appeals from
 31 court's determination on contest petition, in its entirety and inserting in lieu thereof a new
 32 Code Section 21-2-528 to read as follows:

33 "21-2-528.

34 An appeal from the final determination of the court may be taken within ten days from the
 35 rendition thereof to the Supreme Court ~~or the Court of Appeals~~ as in other civil cases. The
 36 filing of a notice of appeal shall not act as a stay or supersedeas. The appellant may apply

1 to the Supreme Court ~~or the Court of Appeals, as appropriate,~~ for a stay or supersedeas, and
 2 such ~~courts~~ court shall consider applications for stays or supersedeas in such cases without
 3 regard to whether any notice of appeal has been filed or the record docketed in such cases."

4 SECTION 41.

5 Said chapter is further amended by striking paragraph (8) of Code Section 21-2-587, relating
 6 to frauds by poll officers, and inserting in lieu thereof a new paragraph (8) to read as follows:

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

14 SECTION 42.

15 Code Section 50-12-101 of the Official Code of Georgia Annotated, relating to assignment
 16 of numbers by board to proposed constitutional amendments and Constitutions, is amended
 17 by striking the Code section and inserting in lieu thereof a new Code Section 50-12-101 to
 18 read as follows:

19 "50-12-101.

20 (a) The Constitutional Amendments Publication Board shall assign to each proposed
 21 constitutional amendment, ~~and~~ proposed new Constitution, and proposed state-wide
 22 referendum question a number or a letter, which shall be used for the purpose of publishing
 23 the amendments, ~~and~~ the Constitution, and the referendum questions.

24 (b) The same number or letter which shall be assigned by the board to each ~~proposed~~
 25 ~~amendment and new Constitution~~ item identified in subsection (a) of this Code section
 26 shall also be used by the Secretary of State when the Secretary of State shall determine the
 27 form of the ballot for each general election in which such proposals shall be submitted to
 28 the electors for ratification or rejection.

29 (c) The board shall also assign to each proposed constitutional amendment and state-wide
 30 referendum question a short title or heading of no more than 15 words that shall describe
 31 in summary form the substance of the proposal. The Secretary of State shall cause such
 32 short title or heading to be printed in boldface at the beginning of each proposed
 33 constitutional amendment and state-wide referendum question that appears on the ballot."

SECTION 43.

- 1
- 2 All laws and parts of laws in conflict with this Act are repealed.