

House Bill 244

By: Representative Burmeister of the 119th

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 primaries and elections generally, so as to amend certain definitions; to authorize the
3 Secretary of State to provide copies of the general election ballot and questions on compact
4 disc or other media or an Internet website; to clarify the meaning of governing authority; to
5 authorize the Secretary of State to review ballots for use on DRE units; to provide for certain
6 training for poll officers; to change municipal qualifying periods; to provide that a candidate
7 shall use the surname shown on such candidate's voter registration card when qualifying for
8 office; to provide that the form of a candidate's name cannot be changed after the candidate
9 qualifies; to provide for the time of giving notice to be a write-in candidate in special
10 elections; to delete the requirement that the Secretary of State receive all voter registration
11 cards after a system of digitization of voter registration signatures is operational; to provide
12 for the time for challenging the right of an elector to vote who votes by absentee ballot in
13 person; to provide for the sending of certain notices concerning voter registration; to provide
14 that the individual names of candidates for the office of presidential elector shall not be listed
15 on the ballot; to remove the authorization for counties to use lever-type voting machines; to
16 remove the requirement that optical scanning ballots have a name stub; to provide for notice
17 of preparation of certain voting equipment prior to runoffs; to provide that memory cards
18 used in DRE units shall be transported from the precinct to the tabulating center in the
19 custody of at least two poll workers; to remove the elector's place of birth from the absentee
20 ballot oath form; to provide that absentee electors whose vote has been challenged must vote
21 by paper or optical scanning ballot; to provide for the posting of certain information at
22 polling places; to provide for poll watchers for advance voting sites; to prohibit certain
23 activities within close proximity to the locations where advance voting is taking place; to
24 delete the requirement that poll officers ascertain whether someone timely registered to vote
25 prior to allowing such person to vote a provisional ballot; to limit the requirement that all
26 voters vote provisional ballots when poll hours are extended by court order to elections in
27 which federal candidates are on the ballot; to provide for the use of provisional ballots by
28 electors when voting machines or DRE units malfunction or an emergency exists which

1 prevents the use of such devices; to provide for the call of special elections when held in
 2 conjunction with state-wide primaries and elections; to provide for the offense of conspiracy
 3 to commit election fraud; to provide for effective dates; to repeal conflicting laws; and for
 4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
 8 elections generally, is amended by striking paragraphs (5) and (9) of Code Section 21-2-2,
 9 relating to definitions, and inserting in lieu thereof new paragraphs (5) and (9) to read as
 10 follows:

11 "(5) 'Election' ordinarily means any general or special election and shall not include a
 12 primary or special primary unless the context in which the term is used clearly requires
 13 that a primary or special primary is included."

14 "(9) '~~Governing authority~~' means ~~the governing authority of a municipality~~ Reserved."

15 **SECTION 2.**

16 Said chapter is further amended by striking subsection (d) of Code Section 21-2-4, relating
 17 to distribution of summaries of constitutional amendments, and inserting in lieu thereof a
 18 new subsection (d) to read as follows:

19 "(d) The Secretary of State is authorized to provide for the preparation of a supply of audio
 20 tapes, compact discs, or other media or an Internet website which shall contain the
 21 summary of each proposed general amendment to the Constitution as provided in
 22 subsection (a) of this Code section, together with a listing of the candidates for each of the
 23 state representatives to the United States Congress and the candidates for every public
 24 office elected by the electors of the entire state. A sufficient number of the audio tapes,
 25 compact discs, or other media may be prepared as will permit the distribution of at least
 26 one tape, disc, or other media form to each of the public libraries within the state for the
 27 purpose of providing voting information and assistance to any interested citizen. The
 28 Secretary of State may cause a supply of the tapes, discs, or other media to be prepared and
 29 distributed as soon as practicable after the summary has been prepared and the names of
 30 the candidates for each of the public offices to be included are known to be candidates. If
 31 the Secretary of State provides such information through an Internet website, it shall not
 32 be necessary to provide such information by audio tape, compact disc, or other media."

1 "(a) The State Election Board is vested with the power to issue orders, after the completion
 2 of appropriate proceedings, directing compliance with this chapter or prohibiting the actual
 3 or threatened commission of any conduct constituting a violation, which order may include
 4 a provision requiring the violator:

5 (1) To cease and desist from committing further violations;

6 (2) To pay a civil penalty not to exceed \$5,000.00 for each violation of this chapter or
 7 for each failure to comply with any provision of this chapter or of any rule or regulation
 8 promulgated under this chapter. Such penalty may be assessed against an individual, a
 9 partnership, a committee, an association, a corporation, an entity, or a county or
 10 municipal governing authority which employs or compensates an individual found to
 11 have committed a violation, or both, as the State Election Board deems appropriate;

12 (3) To publicly reprimand an individual, a partnership, a committee, an association, a
 13 corporation, an entity, or county or municipal governing authority found to have
 14 committed a violation;

15 (4) To require that restitution be paid to ~~a state~~, the state or a county; or ~~city~~ municipal
 16 governing authority when it has suffered a monetary loss or damage as the result of a
 17 violation;

18 (5) To require individuals to attend training as specified by the board; and

19 (6) To assess investigative costs incurred by the board against an individual, a
 20 partnership, a committee, an association, a corporation, an entity, or the county or
 21 municipal governing authority which employs or compensates an individual found to
 22 have committed a violation."

23 SECTION 6.

24 Said chapter is further amended by striking paragraph (15) of subsection (a) of Code Section
 25 21-2-50, relating to powers and duties of the Secretary of State, and inserting in lieu thereof
 26 a new paragraph (15) to read as follows:

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

29 SECTION 7.

30 Said chapter is further amended by striking Code Section 21-2-72, relating to primary and
 31 election records to be open to the public, and inserting in lieu thereof a new Code Section
 32 21-2-72 to read as follows:

33 "21-2-72.

34 Except when otherwise provided by law or court order, the primary and election records
 35 of each ~~governing authority~~, superintendent, registrar, municipal governing authority, and

1 committee of a political party or body, including registration statements, nomination
 2 petitions, affidavits, certificates, tally papers, returns, accounts, contracts, reports, and other
 3 documents in official custody, except the contents of voting machines, shall be open to
 4 public inspection and may be inspected and copied by any elector of the county or
 5 municipality during usual business hours at any time when they are not necessarily being
 6 used by the custodian or his or her employees having duties to perform in reference thereto;
 7 provided, however, that such public inspection shall only be in the presence of the
 8 custodian or his or her employee and shall be subject to proper regulation for the
 9 safekeeping of such documents and subject to the further provisions of this chapter. The
 10 custodian shall also, upon request, if photocopying equipment is available in the building
 11 in which the records are housed, make and furnish to any member of the public copies of
 12 any of such records upon payment of the actual cost of copying the records requested."

13

SECTION 8.

14 Said chapter is further amended by striking Code Section 21-2-73, relating to preservation
 15 of primary and election records, and inserting in lieu thereof a new Code Section 21-2-73 to
 16 read as follows:

17 "21-2-73.

18 All primary and election documents on file in the office of the election superintendent of
 19 each county, municipal governing authority, superintendent, registrar, committee of a
 20 political party or body, or other officer shall be preserved therein for a period of at least 24
 21 months and then the same may be destroyed unless otherwise provided by law."

22

SECTION 9.

23 Said chapter is further amended by striking Code Section 21-2-90, relating to the
 24 appointment of a chief manager and assistant managers, and inserting in lieu thereof a new
 25 Code Section 21-2-90 to read as follows:

26 "21-2-90.

27 All elections and primaries shall be conducted in each precinct by a board consisting of a
 28 chief manager, who shall be chairperson of such board, and two assistant managers assisted
 29 by clerks. The managers of each precinct shall be appointed by the superintendent or, in
 30 the case of municipal elections, by the municipal governing authority. If the political
 31 parties involved elect to do so, they may submit to the superintendent or municipal
 32 governing authority, for consideration in making such appointment, a list of qualified
 33 persons. When such lists are submitted to the appropriate office, the superintendent or
 34 municipal governing authority, insofar as practicable, shall make appointments so that there
 35 shall be equal representation on such boards for the political parties involved in such

1 elections or primaries. The superintendent or municipal governing authority shall make
 2 each appointment by entering an order which shall remain of record in the appropriate
 3 office and shall transmit a copy of such order to the appointee. The order shall include the
 4 name and address of the appointee, his or her title, and a designation of the precinct and
 5 primary or election in which he or she is to serve."

6 **SECTION 10.**

7 Said chapter is further amended by striking subsection (a) of Code Section 21-2-99, relating
 8 to instruction of poll officers and workers in election procedures, and inserting in lieu thereof
 9 a new subsection (a) to read as follows:

10 "(a) The election superintendent shall provide adequate training to all poll officers and poll
 11 workers regarding the use of voting equipment, voting procedures, all aspects of state and
 12 federal law applicable to conducting elections, and the poll officers' or poll workers' duties
 13 in connection therewith ~~before the first election in each election cycle~~ prior to each general
 14 primary and general election and each special primary and special election; provided,
 15 however, such training shall not be required for a special election held between the date of
 16 the general primary and the general election. Upon successful completion of such
 17 instruction, the superintendent shall give to each poll officer and poll worker a certificate
 18 to the effect that such person has been found qualified to conduct such primary or election
 19 with the particular type of voting equipment in use in that jurisdiction. Additionally, the
 20 superintendent shall notify the Secretary of State on forms to be provided by the Secretary
 21 of State of the date when such instruction was held and the number of persons attending
 22 and completing such instruction. For the purpose of giving such instructions, the
 23 superintendent shall call such meeting or meetings of poll officers and poll workers as shall
 24 be necessary. Each poll officer shall, upon notice, attend such meeting or meetings called
 25 for his or her instruction."

26 **SECTION 11.**

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

30 "(e) A superintendent or registrar and the county or municipal governing authority which
 31 employs the superintendent or registrar may be fined by the State Election Board for
 32 failure to attend the training required in this Code section."

1 later than the Tuesday after the first Monday in September prior to the election for county,
 2 state, and federal elections; no later than seven days after the close of the municipal
 3 qualifying period for municipal elections in the case of a general election; no earlier than
 4 January 1 and no later than the Tuesday after the first Monday in June in the case of a
 5 nonpartisan election for a state or county office which was not covered by a local Act of
 6 the General Assembly on July 1, 2001, which provided for election in a nonpartisan
 7 election without a prior nonpartisan primary; no later than the third Monday in July in the
 8 case of a nonpartisan election for a state or county office which was not covered by a local
 9 Act of the General Assembly on July 1, 2001, which provided for election in a nonpartisan
 10 election without a prior nonpartisan primary held in the even-numbered year immediately
 11 following the official release of the United States decennial census data to the states for the
 12 purpose of redistricting of the legislatures and the United States House of Representatives;
 13 ~~or at least 20 or more days prior to~~ no later than seven days after the close of the special
 14 election qualifying period for a special election by the person to be a write-in candidate or
 15 by some other person or group of persons qualified to vote in the subject election, as
 16 follows:

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

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

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

25 SECTION 16.

26 Said chapter is further amended by striking subsection (e) of Code Section 21-2-153, relating
 27 to qualification of candidates for party nomination in a state or county primary, and inserting
 28 in lieu thereof a new subsection (e) to read as follows:

29 "(e) Each candidate for party nomination described in subsection (a) of this Code section
 30 shall file an affidavit with the political party at the time of his or her qualifying stating:

31 (1) His or her full name and the name as the candidate desires it to be listed on the ballot,
 32 The surname of the candidate shall be the surname of the candidate as it appears on the
 33 candidate's voter registration card. After such name is certified by the political party to
 34 the Secretary of State or the election superintendent, the form of such name shall not be
 35 changed during the primary and election for which such affidavit is submitted;

- 1 (2) His or her residence, with street and number, if any, and his or her post office
 2 address;
- 3 (3) His or her profession, business, or occupation, if any;
- 4 (4) The name of his or her precinct;
- 5 (5) That he or she is an elector of the county of his or her residence eligible to vote in the
 6 primary election in which he or she is a candidate for nomination;
- 7 (6) The name of the office he or she is seeking;
- 8 (7) That he or she is eligible to hold such office;
- 9 (8) That the candidate has never been convicted and sentenced in any court of competent
 10 jurisdiction for fraudulent violation of primary or election laws, malfeasance in office,
 11 or felony involving moral turpitude under the laws of this state or any other state or of the
 12 United States, or that the candidate's civil rights have been restored and that at least ten
 13 years have elapsed from the date of the completion of the sentence without a subsequent
 14 conviction of another felony involving moral turpitude;
- 15 (9) That he or she will not knowingly violate this chapter or rules or regulations adopted
 16 under this chapter; and
- 17 (10) Any other information as may be determined by the Secretary of State to be
 18 necessary to comply with federal and state law."

19

SECTION 17.

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

23 "(d) Each candidate for party nomination described in subsection (a) of this Code section
 24 shall file an affidavit with the political party at the time of his or her qualifying stating:

25 (1) His or her full name and the name as the candidate desires it to be listed on the ballot.
 26 The surname of the candidate shall be the surname of the candidate as it appears on the
 27 candidate's voter registration card. After such name is submitted by the candidate to the
 28 political party, the form of such name shall not be changed during the primary and
 29 election for which such affidavit is submitted;

30 ~~(1)~~ (2) His or her residence, with street and number, if any, and his or her post office
 31 address;

32 ~~(2)~~ (3) His or her profession, business, or occupation, if any;

33 ~~(3)~~ (4) The name of his or her precinct;

34 ~~(4)~~ (5) That he or she is an elector of the municipality of his or her residence and is
 35 eligible to vote in the primary election in which he or she is a candidate for nomination;

36 ~~(5)~~ (6) The name of the office he or she is seeking;

1 Secretary of State, the county governing authority shall also list the addresses of the
 2 registrars. Such registrars shall serve at the pleasure of the governing authority of the
 3 county, and the compensation of the registrars shall be fixed by the governing authority of
 4 the county. Any registrar shall have the right to resign at any time by submitting a
 5 resignation to ~~the~~ such governing authority. In the event of the death, resignation, or
 6 removal of any registrar, such registrar's duties and authority as such shall terminate
 7 instantly. Successors shall be appointed by the county governing authority. Each
 8 appointment or change in designation shall be entered on the minutes of ~~the~~ such governing
 9 authority and certified as provided in this Code section. The first appointments in any such
 10 county under this article shall be made in the year 1965, and the persons appointed shall
 11 assume office July 1, 1965. The governing authorities of such counties may furnish such
 12 employees and facilities as they deem necessary for the operation of the office and affairs
 13 of the registrars."

14 **SECTION 19.**

15 Said chapter is further amended by repealing subsection (j) of Code Section 21-2-215,
 16 relating to registrars, registration, and the digitization of signatures from voter registration
 17 cards, which reads as follows:

18 "(j) At such time as the Secretary of State certifies that a system for the digitization of all
 19 or a portion of the completed registration cards is operational, the board of registrars shall
 20 expeditiously transmit the registration card for each elector whose registration has been
 21 approved to the Secretary of State. The Secretary of State shall retain such cards after
 22 processing for the period of time set forth in this article."

23 **SECTION 20.**

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

27 "(a) Any elector of the county or municipality may challenge the right of any other elector
 28 of the county or municipality, whose name appears on the list of electors, to vote in an
 29 election. Such challenge shall be in writing and specify distinctly the grounds of such
 30 challenge. Such challenge may be made at any time prior to the elector whose right to vote
 31 is being challenged voting at the elector's polling place or, if such elector cast an absentee
 32 ballot, prior to 5:00 ~~p.m.~~ P.M. on the day before the election; provided, however, that
 33 challenges to persons voting by absentee ballot in person at the office of the registrars or
 34 the absentee ballot clerk whose vote is cast on a DRE unit must be made prior to such
 35 person's voting."

1 notice within 30 days after the date of the notice, the elector shall be transferred to the
2 inactive list provided for in Code Section 21-2-235."

3 **SECTION 23.**

4 Said chapter is further amended by striking paragraph (2) of subsection (a) of Code Section
5 21-2-234, relating to electors who have failed to vote and with whom there has been no
6 contact in three years, and inserting in lieu thereof a new paragraph (2) to read as follows:

7 "(2) In the first six months of each odd-numbered year, the Secretary of State shall
8 identify all electors whose names appear on the list of electors with whom there has been
9 no contact during the preceding three calendar years and who were not identified as
10 changing addresses under Code Section 21-2-233. The confirmation notice described in
11 this Code section shall be sent to each such elector during each odd-numbered year. Such
12 notices shall be sent by forwardable, ~~first-class~~ mail."

13 **SECTION 24.**

14 Said chapter is further amended by striking Code Section 21-2-264, relating to
15 reimbursement of counties for costs incurred pursuant to alteration of precinct boundaries,
16 and inserting in lieu thereof a new Code Section 21-2-264 to read as follows:

17 "21-2-264.

18 In all cases of the division, redivision, alteration, formation, or consolidation of precincts,
19 the costs of the proceedings shall be paid by the county or municipal governing authority,
20 as appropriate. There may be appropriated to the Secretary of State funds to be granted to
21 counties or municipalities for purposes of meeting the requirements of Code Section
22 21-2-261.1. Upon the filing of a written request by the election officials of any qualified
23 county or municipality, a qualified county or municipality shall be reimbursed for all
24 reasonable expenses incurred by such county or municipality which are directly related to
25 the redrawing of voting precinct boundaries, verification of voting precinct residency,
26 notification of voter precinct and polling place changes, and compilation and preparation
27 of the electors list as necessitated by Code Section 21-2-261.1; provided, however, that
28 such reimbursement of costs shall not exceed 25¢ per registered voter whose name
29 appeared on such county's or municipality's electors list as of January 1, 1982. Any
30 qualified county or municipality seeking reimbursement of such costs shall present an
31 itemized description of such costs to the Secretary of State. If the Secretary of State, after
32 a review of the report of such costs incurred by a county or municipality, shall find that all
33 or portions of such costs were reasonable and were directly related to the preparation of
34 such descriptions and lists, he or she shall approve all of those parts of the costs deemed
35 reasonable and shall reimburse the counties or municipalities for such expenses. Any state

1 funds necessary to carry out the provisions of this subsection shall come only from those
2 funds appropriated to the Secretary of State specifically for the purpose of implementing
3 the provisions of Code Section 21-2-261.1. If such funds are not sufficient to bear
4 completely the cost of fully implementing the provisions of Code Section 21-2-261.1,
5 payment to the counties or municipalities seeking assistance shall be made on a pro rata
6 basis subject to the availability of appropriated funds."

7 **SECTION 25.**

8 Said chapter is further amended by striking Code Section 21-2-267, relating to equipment,
9 arrangement, and storage relating to polling places, and inserting in lieu thereof a new Code
10 Section 21-2-267 to read as follows:

11 "21-2-267.

12 (a) The governing authority of each county and municipality shall provide and the
13 superintendent shall cause all rooms used as polling places to be provided with suitable
14 heat and light and, in precincts in which ballots are used, with a sufficient number of voting
15 compartments or booths with proper supplies in which the electors may conveniently mark
16 their ballots, with a curtain, screen, or door in the upper part of the front of each
17 compartment or booth so that in the marking thereof they may be screened from the
18 observation of others. A curtain, screen, or door shall not be required, however, for the
19 self-contained units used as voting booths in which direct recording electronic (DRE)
20 voting units are located if such booths have been designed so as to ensure the privacy of
21 the elector. When practicable, every polling place shall consist of a single room, every part
22 of which is within the unobstructed view of those present therein and shall be furnished
23 with a guardrail or barrier closing the inner portion of such room, which guardrail or barrier
24 shall be so constructed and placed that only such persons as are inside such rail or barrier
25 can approach within six feet of the ballot box and voting compartments, or booths, or
26 voting machines, as the case may be. The ballot box and voting compartments or booths
27 shall be so arranged in the voting room within the enclosed space as to be in full view of
28 those persons in the room outside the guardrail or barrier. The voting machine or machines
29 shall be placed in the voting rooms within the enclosed space so that, unless its
30 construction shall otherwise require, the ballot labels on the face of the machine can be
31 plainly seen by the poll officers when the machine is not occupied by an elector. In the
32 case of direct recording electronic (DRE) voting units, the units shall be arranged in such
33 a manner as to ensure the privacy of the elector while voting on such units, to allow
34 monitoring of the units by the poll officers while the polls are open, and to permit the
35 public to observe the voting without affecting the privacy of the electors as they vote.

1 (b) The superintendent, unless otherwise provided by law, may make such arrangements
 2 as he or she deems proper for the storage of election equipment in the various precincts of
 3 the county or municipality at such times of the year that it will not be used for election
 4 purposes and may fix reasonable compensation therefor."

5 **SECTION 26.**

6 Said chapter is further amended by striking Code Section 21-2-268, relating to compensation
 7 for rent, heat, light, and janitorial services for the use of public buildings, and inserting in lieu
 8 thereof a new Code Section 21-2-268 to read as follows:

9 "21-2-268.

10 The superintendent or county or municipal governing authority shall fix the compensation
 11 for rent, heat, light, and janitorial services to be paid for the use of polling places for
 12 primaries and elections; provided, however, that no compensation for rent, heat, or light
 13 shall be paid in the case of schoolhouses, municipal buildings or rooms, or other public
 14 buildings used as polling places."

15 **SECTION 27.**

16 Said chapter is further amended by striking Code Section 21-2-280, relating to requirement
 17 as to conduct of primaries and elections by ballot, and inserting in lieu thereof a new Code
 18 Section 21-2-280 to read as follows:

19 "21-2-280.

20 All primaries and elections in this state shall be conducted by ballot, except when voting
 21 machines are used as provided by law. A ballot may be electronic or printed on paper. All
 22 ballots used in any primary or election shall be provided by the superintendent or
 23 municipal governing authority in accordance with this article, and only official ballots
 24 furnished by the superintendent or governing authority shall be cast or counted in any
 25 primary or election in any precinct in which ballots are used."

26 **SECTION 28.**

27 Said chapter is further amended by striking Code Section 21-2-283, relating to printing and
 28 safekeeping of ballots and labels by superintendent, and inserting in lieu thereof a new Code
 29 Section 21-2-283 to read as follows:

30 "21-2-283.

31 In any primary or election, the superintendent or municipal governing authority shall cause
 32 all the ballots and ballot labels to be printed accurately and in the form prescribed by this
 33 chapter, and the superintendent or municipal governing authority shall be responsible for
 34 the safekeeping of the same while in his or her or its possession or that of his or her or its

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

5 **SECTION 29.**

6 Said chapter is further amended by striking subsection (e) of Code Section 21-2-285, relating
 7 to the form of the official election ballot, and inserting in lieu thereof a new subsection (e)
 8 to read as follows:

9 "(e) When presidential electors are to be elected, the ballot shall not list the individual
 10 names of the ~~nominees~~ candidates for presidential electors but shall list the names of each
 11 political party or body for such offices shall be arranged alphabetically under or body and
 12 the names of the candidates of the party or body for the offices of President and Vice
 13 President of the United States. The individual names or the nominees of each political
 14 party or body for such offices shall be posted at each polling place arranged alphabetically
 15 under the names of the candidates of the party or body for President and Vice President of
 16 the United States. A vote for the candidates for President and Vice President of a political
 17 party or body shall be deemed to be a vote for each of the candidates for presidential
 18 electors of such political party or body."

19 **SECTION 30.**

20 Said chapter is further amended by striking Code Section 21-2-320, relating to power of
 21 governing authority to authorize use of and to procure voting machines, and inserting in lieu
 22 thereof a new Code Section 21-2-230 to read as follows:

23 "21-2-320.

24 The governing authority of any ~~county~~ or municipality may at any regular meeting or at a
 25 special meeting called for the purpose, by a majority vote, authorize and direct the use of
 26 voting machines for recording and computing the vote at all elections held in the ~~county~~
 27 ~~or~~ municipality; and thereupon the governing authority shall purchase, lease, rent, or
 28 otherwise procure voting machines conforming to the requirements of this part."

29 **SECTION 31.**

30 Said chapter is further amended by striking Code Section 21-2-321, relating to referendum
 31 on question of use of voting machines, and inserting in lieu thereof a new Code Section
 32 21-2-321 to read as follows:

1 "21-2-321.

2 (a) The governing authority of any ~~county or~~ municipality which conducts elections by
3 paper ballot may, upon its own motion, submit to the electors of the ~~county or~~ municipality,
4 at any election, the question: 'Shall voting machines be used in _____?'

5 (b) The governing authority of any ~~county or~~ municipality which conducts elections by
6 paper ballot, ~~upon the filing of a petition with it signed by electors of the county equal in~~
7 ~~number to at least 1 percent of the total number of electors who voted in such county at~~
8 ~~the preceding general election or~~ upon the receipt of a petition signed by at least 10 percent
9 of the electors who voted in such municipality at the preceding general election, shall, at
10 the next election occurring at least 45 days thereafter, submit to the electors of such ~~county~~
11 ~~or~~ municipality the question: 'Shall voting machines be used in _____?'

12 (c) The governing authority shall cause such question to be printed upon the ballots to be
13 used at the election in the form and manner provided by the laws governing general
14 elections.

15 (d) The election on such question shall be held at the places, during the hours, and under
16 the regulations provided by law for holding general elections and shall be conducted by the
17 poll officers provided by law to conduct such elections. The poll officers shall count the
18 votes cast at the election on such question and shall make return thereof to the
19 superintendent of such ~~county or~~ municipality as required by law. The returns shall be
20 computed by the superintendent and, when so computed, a certificate of the total number
21 of electors voting 'Yes' and of the total number of electors voting 'No' on such question
22 shall be filed in the office of the municipal governing authority and in the office of the
23 Secretary of State.

24 (e) Whenever, under this Code section, the question of the adoption of voting machines
25 is about to be submitted to the electors of any ~~county or~~ municipality, it shall be the duty
26 of the governing authority of such ~~county or~~ municipality to ascertain whether current
27 funds will be available to pay for such machines, if adopted and purchased, or whether it
28 has power to increase the indebtedness of the ~~county or~~ municipality in an amount
29 sufficient to pay for the machines without the consent of the electors; and, if such current
30 funds will not be available and the power to increase the indebtedness of the ~~county or~~
31 municipality in a sufficient amount without the consent of the electors is lacking, it shall
32 be the duty of the governing authority to submit to the electors of the ~~county or~~
33 municipality, in the manner provided by law, at the same election at which the adoption of
34 voting machines is to be voted on, the question of whether the indebtedness of such ~~county~~
35 ~~or~~ municipality shall be increased, in an amount specified by them, sufficient to pay for
36 such voting machines, if adopted.

1 (f) If a majority of the electors voting on such question or questions shall vote in the
 2 affirmative, the governing authority of such ~~county~~ or municipality shall purchase, lease,
 3 or rent voting machines, conforming to the requirements of this part, for recording and
 4 computing the vote at all elections held in such ~~county~~ or municipality."

5 SECTION 32.

6 Said chapter is further amended by striking Code Section 21-2-323, relating to installation
 7 of voting machines, and inserting in lieu thereof a new Code Section 21-2-323 to read as
 8 follows:

9 "21-2-323.

10 (a) When the use of voting machines has been authorized in the manner prescribed by
 11 Code Section 21-2-320 or 21-2-321, such voting machines shall be installed, either
 12 simultaneously or gradually, within the ~~county~~ or municipality. Upon the installation of
 13 voting machines in any precinct, the use of paper ballots therein shall be discontinued,
 14 except as otherwise provided by this chapter.

15 (b) In each precinct in which voting machines are used, the municipal governing authority
 16 shall provide at least one voting machine for each 500 electors, or major fraction thereof,
 17 except that at least one voting machine shall be provided in each such precinct in any case.

18 (c) Voting machines of different kinds may be used for different precincts in the same
 19 ~~county~~ or municipality.

20 (d) The municipal governing authority shall provide voting machines in good working
 21 order and of sufficient capacity to accommodate the names of a reasonable number of
 22 candidates for all party offices and nominations and public offices, which, under existing
 23 laws and party rules, are likely to be voted for at any future primary or election."

24 SECTION 33.

25 Said chapter is further amended by striking subsection (g) of Code Section 21-2-324, relating
 26 to examination and approval of voting machines by Secretary of State, and inserting in lieu
 27 thereof a new subsection (g) to read as follows:

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

1 the voting machines, a written notice stating the times when and the place or places where
 2 preparation of the machines for use in the several precincts ~~in the county~~ will be started.
 3 The grand jury shall appoint a committee, consisting of three of its members, which shall
 4 inspect the machines and see that the machines are properly prepared and are placed in
 5 proper condition and order for use. In the event the committee of the grand jury fails to be
 6 present, the superintendent shall immediately appoint a panel consisting of three electors
 7 to perform the duties of the committee of the grand jury set forth in this Code section.
 8 Further, one representative of each political party or body, certified by the chairperson of
 9 such political party or body, and one representative of each aforementioned organization
 10 of citizens, certified by the chairperson or presiding officer of such organization, and any
 11 such independent candidate or his or her certified agent shall be entitled to be present
 12 during the preparation of the machines and to see that the machines are properly prepared
 13 and are placed in proper condition and order for use. Such committee of the grand jury,
 14 representatives, or candidates shall not, however, interfere with the preparation of the
 15 machines; and the superintendent may make such reasonable rules and regulations
 16 concerning the conduct of such representatives and candidates.

17 (d) The custodian and deputy custodians of voting machines and the members of the
 18 committee of the grand jury, if any, shall make an affidavit, which each shall sign, and
 19 request each representative of a party, body, or a citizens' organization, or candidate or his
 20 or her agent present at the preparation of the machine to attest, and which shall be filed
 21 ~~with the superintendent, or in the case of a municipal election or primary,~~ the city clerk,
 22 stating:

- 23 (1) The identifying number or other designation of the voting machine;
- 24 (2) That each registering counter on the machine was set at zero;
- 25 (3) The number registered on the protective counter or other device of the machine; and
- 26 (4) The number on the seal with which the machine is sealed.

27 (e) No superintendent nor custodian nor other employee of the superintendent shall, in any
 28 way, prevent free access to and examination of all voting machines which are to be used
 29 at the primary or election by any of the duly appointed representatives or candidates
 30 aforesaid; and the superintendent and his or her employees shall afford to each such
 31 representative or candidate every facility for the examination of all registering counters,
 32 protective counters, and public counters of each and every voting machine.

33 (f) In every primary or election, the superintendent shall furnish, at the expense of the
 34 ~~county~~ or municipality, all ballot labels, forms of certificates, and other papers and supplies
 35 which are required under this chapter and which are not furnished by the Secretary of State,
 36 all of which shall be in the form and according to the specifications prescribed from time
 37 to time by the Secretary of State. ~~In the case of a municipal primary,~~ ballot labels and other

1 materials necessary for the preparation of the voting machines shall be furnished free of
2 charge to the municipal superintendent by the political party conducting such primary."

3 **SECTION 35.**

4 Said chapter is further amended by striking subsection (a) of Code Section 21-2-330, relating
5 to public exhibition of and instruction on sample voting machine, and inserting in lieu thereof
6 a new subsection (a) to read as follows:

7 "(a) During ~~the 30 days next preceding a general primary or election or during the ten days~~
8 ~~next preceding a special primary or election, other than in the case of municipal primaries~~
9 ~~and elections, and during~~ the five days preceding a municipal general primary or election
10 or during the three days preceding a municipal special primary or election, the
11 superintendent shall place on public exhibition, in such public places and at such times as
12 he or she may deem most suitable for the information and instruction of the electors, one
13 or more voting machines containing the ballot labels and showing the offices and questions
14 to be voted upon, the names and arrangements of parties and bodies, and, so far as
15 practicable, the names and arrangements of the candidates to be voted for. Such machine
16 or machines shall be under the charge and care of a person competent as custodian and
17 instructor. No voting machine which is to be assigned for use in a primary or election shall
18 be used for such public exhibition and instruction after having been prepared and sealed
19 for the primary or election."

20 **SECTION 36.**

21 Said chapter is further amended by striking subsection (a) of Code Section 21-2-331, relating
22 to designation and compensation of custodians of voting machines and keys, and inserting
23 in lieu thereof a new subsection (a) to read as follows:

24 "(a) ~~The superintendent, or in the case of municipal primaries or elections, the governing~~
25 ~~authority;~~ shall designate a person or persons who shall have the custody of the voting
26 machines of the ~~county~~ or municipality and the keys therefor when the machines are not
27 in use at a primary or election and shall provide for his or her compensation and for the
28 safe storage and care of the machines and keys."

29 **SECTION 37.**

30 Said chapter is further amended by striking Code Section 21-2-333, relating to responsibility
31 of county or municipal governing authority to provide for payment for voting machines, and
32 inserting in lieu thereof a new Code Section 21-2-333 to read as follows:

1 "21-2-333.

2 The governing authority of any ~~county or~~ municipality which adopts voting machines in
 3 a manner provided for by this article shall, upon the purchase of voting machines, provide
 4 for their payment by the ~~county or~~ municipality. Bonds or other evidence of indebtedness
 5 may be issued in accordance with the provisions of law relating to the increase of
 6 indebtedness of ~~counties or~~ municipalities to meet all or any part of the cost of the voting
 7 machines."

8 **SECTION 38.**

9 Said chapter is further amended by striking subsections (b) and (d) of Code Section
 10 21-2-367, relating to installation of optical scanning voting systems, and inserting in lieu
 11 thereof new subsections (b) and (d) to read as follows:

12 "(b) In each precinct in which optical scanning voting systems are used, the county or
 13 municipal governing authority, as appropriate, shall provide at least one voting booth or
 14 enclosure for each 200 electors therein, or fraction thereof."

15 "(d) The county or municipal governing authority, as appropriate, shall provide optical
 16 scanning voting systems in good working order and of sufficient capacity to accommodate
 17 the names of a reasonable number of candidates for all party offices and nominations and
 18 public offices which, under the provisions of existing laws and party rules, are likely to be
 19 voted for at any future primary or election."

20 **SECTION 39.**

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

24 "(b) The arrangement of offices, names of candidates, and questions upon the ballots shall
 25 conform as nearly as practicable to this chapter for the arrangement of same on paper
 26 ballots; provided, however, that such form may be varied in order to present a clear
 27 presentation of candidates and questions to the electors and that the ballots shall not be
 28 required to have a name stub."

29 **SECTION 40.**

30 Said chapter is further amended by striking subsection (b) of Code Section 21-2-374, relating
 31 to proper programming of optical scanning systems, and inserting in lieu thereof a new
 32 subsection (b) to read as follows:

33 "(b) On or before the third day preceding a primary or election, including special
 34 primaries, special elections, and referendum elections, the superintendent shall have the

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

22 **SECTION 41.**

23 Said chapter is further amended by striking subsections (b) and (c) of Code Section
 24 21-2-379.6, relating to maintenance of DRE voting systems and supplies, and inserting in
 25 lieu thereof new subsections (b) and (c) to read as follows:

26 "(b) The superintendent may appoint, with the approval of the county or municipal
 27 governing authority, as appropriate, a custodian of the DRE units, and deputy custodians
 28 as may be necessary, whose duty shall be to prepare the units to be used in the county or
 29 municipality at the primaries and elections to be held therein. Each custodian and deputy
 30 custodian shall receive from the county or municipality such compensation as shall be fixed
 31 by the governing authority of the county or municipality. Such custodian shall, under the
 32 direction of the superintendent, have charge of and represent the superintendent during the
 33 preparation of the units as required by this chapter. The custodian and deputy custodians
 34 shall serve at the pleasure of the superintendent. Each custodian shall take an oath of office
 35 prepared by the Secretary of State before each primary or election which shall be filed with
 36 the superintendent.

1 (c) On or before the third day preceding a primary or election, including special primaries,
 2 special elections, and referendum elections, the superintendent shall have each DRE unit
 3 tested to ascertain that it will correctly count the votes cast for all offices and on all
 4 questions in a manner that the State Election Board shall prescribe by rule or regulation.
 5 On or before the third day preceding a primary runoff or election runoff, including special
 6 primary runoffs and special election runoffs, the superintendent shall test a number of DRE
 7 units at random to ascertain that the units will correctly count the votes cast for all offices.
 8 If the total number of DRE units in the county or municipality is 30 units or less, all of the
 9 units shall be tested. If the total number of DRE units in the county or municipality is more
 10 than 30 but not more than 100, then at least one-half of the units shall be tested at random.
 11 If there are more than 100 DRE units in the county or municipality, the superintendent shall
 12 test at least 15 percent of the units at random. In no event shall the superintendent test less
 13 than one DRE unit per precinct. All memory cards to be used in the runoff shall be tested.
 14 Public notice of the time and place of the test shall be made at least five days prior thereto;
 15 provided, however, that, in the case of a runoff, the public notice shall be made at least
 16 three days prior thereto. Representatives of political parties and bodies, news media, and
 17 the public shall be permitted to observe such tests."

18 **SECTION 42.**

19 Said chapter is further amended by striking subsection (f) of Code Section 21-2-379.11,
 20 relating to procedure for tabulation of votes on DRE systems, and inserting in lieu thereof
 21 a new subsection (f) to read as follows:

22 "(f) ~~The manager and one poll worker~~ At least two poll workers shall then deliver the
 23 envelope to the tabulating center for the county or municipality or to such other place
 24 designated by the superintendent and shall receive a receipt therefor. The copies of the
 25 recap forms, unused ballots, records, and other materials shall be returned to the designated
 26 location and retained as provided by law."

27 **SECTION 43.**

28 Said chapter is further amended by striking subsections (c) and (d) of Code Section 21-2-384,
 29 relating to preparation and delivery of absentee ballot supplies, and inserting in lieu thereof
 30 new subsections (c) and (d) to read as follows:

31 "(c)(1) The oaths referred to in subsection (b) of this Code section shall be in
 32 substantially the following form:

33 I, the undersigned, do swear (or affirm) that I am a citizen of the United States and of
 34 the State of Georgia; that my residence address is _____ County, Georgia; that
 35 I possess the qualifications of an elector required by the laws of the State of Georgia;

1 that I am entitled to vote in the precinct containing my residence in the primary or
 2 election in which this ballot is to be cast; that I am eligible to vote by absentee ballot;
 3 that I have not marked or mailed any other absentee ballot, nor will I mark or mail
 4 another absentee ballot for voting in such primary or election; nor shall I vote therein
 5 in person; and that I have read and understand the instructions accompanying this
 6 ballot; and that I have carefully complied with such instructions in completing this
 7 ballot. I understand that the offer or acceptance of money or any other object of value
 8 to vote for any particular candidate, list of candidates, issue, or list of issues included
 9 in this election constitutes an act of voter fraud and is a felony under Georgia law.

10 _____
 11 Elector's Residence
 12 Address

 Elector's Place of Birth

13 _____
 14 Month and Day of
 15 Elector's Birth

 Signature or Mark of Elector

16
 17
 18 Oath of Person Assisting Elector (if any):

19 I, the undersigned, do swear (or affirm) that I assisted the above-named elector in
 20 marking such elector's absentee ballot as such elector personally communicated such
 21 elector's preference to me; that I am satisfied that such elector presently possesses the
 22 disability noted below; and that by reason of such disability such elector is entitled to
 23 receive assistance in voting under provisions of subsection (a) of Code Section
 24 21-2-409.

25 This, the _____ day of _____ .

 Signature of Person Assisting
 Elector -- Relationship

26
 27
 28
 29 Reason for assistance (Check appropriate square):

- 30 Elector is unable to read the English language.
 31 Elector has following physical disability _____.

1 The forms upon which such oaths are printed shall contain the following information:

2 Georgia law provides, in subsection (b) of Code Section 21-2-409, that no person shall
3 assist more than ten electors in any primary or election.

4 Georgia law further provides that any person who knowingly falsifies information so
5 as to vote illegally by absentee ballot or who illegally gives or receives assistance in
6 voting, as specified in Code Section 21-2-568, 21-2-573, or 21-2-579, shall be guilty
7 of a misdemeanor.

8 (2) In the case of absent uniformed services or overseas voters, if the ~~Presidential~~
9 presidential designee under Section 705(b) of the federal Help America Vote Act
10 promulgates a standard oath for use by such voters, the Secretary of State shall be
11 required to use such oath on absentee ballot materials for such voters and such oath shall
12 be accepted in lieu of the oath set forth in paragraph (1) of this subsection.

13 (d) Each board of registrars or absentee ballot clerk shall maintain for public inspection
14 a master list, arranged by precincts, setting forth the name and residence of every elector
15 to whom an official absentee ballot has been sent. Absentee electors whose names appear
16 on the master list may be challenged by any elector prior to ~~12:00 Noon~~ 5:00 P.M. on the
17 day of before the primary or election."

18 SECTION 44.

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

22 "(e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall
23 open the envelopes and write 'Challenged,' the elector's name, and the alleged cause of
24 challenge on the back of the ballot, without disclosing the markings on the face thereof, and
25 shall deposit the ballot in the box; and it shall be counted as other challenged ballots are
26 counted. ~~In the case of absentee votes cast on direct recording electronic voting systems,~~
27 ~~the ballots shall be coded in such a way that the ballot of a challenged voter can be~~
28 ~~separated from other valid ballots at the time of tabulation and the challenged ballots shall~~
29 ~~be counted or rejected in accordance with Code Section 21-2-230. Where direct recording~~
30 electronic voting systems are used for absentee balloting and a challenge to an elector's
31 right to vote is made prior to the time that the elector votes, the elector shall vote on a paper
32 or optical scanning ballot and such ballot shall be handled as provided in this subsection.
33 The board of registrars or absentee ballot clerk shall promptly notify the elector of such
34 challenge."

SECTION 45.

Said chapter is further amended by striking Code Section 21-2-387, relating to procedure as to ballots of deceased electors, and inserting in lieu thereof a new Code Section 21-2-387 to read as follows:

"21-2-387.

Whenever it shall be made to appear by due proof to the managers that an absentee elector, other than an absentee elector who voted in person on a DRE unit, who has marked and forwarded or delivered his or her ballot as provided in this article has died prior to the opening of the polls on the day of the primary or election, the ballot of such deceased elector shall be returned by the managers in the same manner as provided for rejected ballots."

SECTION 46.

Said chapter is further amended by striking subsection (a) of Code Section 21-2-400, relating to duty of superintendent to obtain cards of instruction, blank forms of oaths, and other forms and supplies, and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) Prior to each primary and election, the superintendent shall obtain from the Secretary of State a sufficient number of cards of instruction for guidance of electors. Such cards of instruction shall include such portions of this chapter as deemed necessary by the Secretary of State and shall be printed for the type of voting equipment or ballots used in the county or municipality. The superintendent shall also obtain from the Secretary of State a sufficient number of blank forms of oaths of poll officers, voter's certificates, voting rights posters, notices of penalties, oaths of assisted electors, numbered list of voters, tally sheets, return sheets, and such other forms and supplies required by this chapter, in each precinct of the county or municipality."

SECTION 47.

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

"(a)(1) In a primary or run-off primary, each candidate entitled to have his or her name placed on the primary or run-off primary ballot may submit the name of one poll watcher for each precinct in which he or she wishes to have an observer to the chairperson or secretary of the appropriate party executive committee at least 21 days prior to such primary or 14 days prior to such run-off primary. The appropriate party executive committee shall designate at least seven days prior to such primary or run-off primary no more than two poll watchers for each precinct, such poll watchers to be selected by the

1 committee from the list submitted by party candidates. Official poll watchers shall be
 2 given a letter signed by the party chairperson and secretary, if designated by a political
 3 party, containing the following information: name of official poll watcher, address,
 4 precinct in which he or she shall serve, and name and date of primary or run-off primary.
 5 At least three days prior to the primary, a copy of the letter shall be delivered to the
 6 superintendent of the county or municipality in which the poll watcher is to serve.

7 (2) In a primary or run-off primary, each candidate entitled to have his or her name
 8 placed on the primary or run-off primary ballot may submit the name of one poll watcher
 9 for each location at which advance voting is conducted pursuant to subsection (b) of Code
 10 Section 21-2-380 in which he or she wishes to have an observer to the chairperson or
 11 secretary of the appropriate party executive committee at least 21 days prior to the
 12 beginning of the advance voting period for a primary or 14 days prior to such period in
 13 a run-off primary. The appropriate party executive committee shall designate at least
 14 seven days prior to such advance voting period for a primary or run-off primary no more
 15 than two poll watchers for each advance voting location, such poll watchers to be selected
 16 by the committee from the list submitted by party candidates. Official poll watchers shall
 17 be given a letter signed by the party chairperson and secretary, if designated by a political
 18 party, containing the following information: name of official poll watcher, address,
 19 precinct in which he or she shall serve, and name and date of primary or run-off primary.
 20 At least three days prior to the beginning of the advance voting period, a copy of the letter
 21 shall be delivered to the superintendent and the chief registrar of the county or
 22 municipality in which the poll watcher is to serve.

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

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

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

16 (3)(A) In an election or run-off election, each political party and political body shall
 17 each be entitled to designate, at least seven days prior to the beginning of the advance
 18 voting period for such election or run-off election, no more than two official poll
 19 watchers for each location at which advance voting is conducted pursuant to subsection
 20 (b) of Code Section 21-2-380 to be selected by the appropriate party or body executive
 21 committee. Each independent candidate shall be entitled to designate one poll watcher
 22 for each location at which advance voting is conducted pursuant to subsection (b) of
 23 Code Section 21-2-380. In addition, candidates running in a nonpartisan election shall
 24 be entitled to designate one poll watcher for each location at which advance voting is
 25 conducted pursuant to subsection (b) of Code Section 21-2-380. Each poll watcher
 26 shall be given a letter signed by the appropriate political party or body chairperson and
 27 secretary, if a party or body designates same, or by the independent or nonpartisan
 28 candidate, if named by the independent or nonpartisan candidate. Such letter shall
 29 contain the following information: name of official poll watcher, address, precinct in
 30 which he or she shall serve, and date of election or run-off election. At least three days
 31 prior to the beginning of the advance voting period for such election, a copy of the letter
 32 shall be delivered to the superintendent and the chief registrar of the county or
 33 municipality in which the poll watcher is to serve.

34 (B) In an election or run-off election, each political party and political body, which
 35 body is registered pursuant to Code Section 21-2-110 and has nominated a candidate
 36 for state-wide office, shall additionally be entitled to designate, at least 14 days prior
 37 to the beginning of the advance voting period for such election or run-off election, no

1 more than five official state-wide poll watchers for such advance voting period to be
 2 selected by the appropriate party or body executive committee. Each independent
 3 candidate shall also be entitled to designate five official state-wide poll watchers for
 4 such advance voting period. In addition, candidates running in a state-wide nonpartisan
 5 election shall be entitled to designate five official state-wide poll watchers for such
 6 advance voting period. All such designations of state-wide poll watchers shall be in
 7 writing and made and submitted to the State Election Board. A state-wide poll watcher
 8 shall have the same powers and duties as poll watchers and shall be entitled to watch
 9 any advance voting location in the state but shall otherwise be subject to all limitations
 10 and prohibitions placed on poll watchers. Each state-wide poll watcher shall be given
 11 a letter signed by the chairperson of the State Election Board. Such letter shall contain
 12 the following information: name of official state-wide poll watcher, address, a
 13 statement that such poll watcher is a state-wide poll watcher for advance voting, and
 14 date of election or run-off election. At least three days prior to the beginning of the
 15 advance voting period for such election, a copy of the letter shall be delivered to the
 16 superintendent and chief registrar of each county in which the poll watcher might
 17 serve."

18 **SECTION 48.**

19 Said chapter is further amended by striking subsections (c) and (d) of Code Section 21-2-414,
 20 relating to restrictions on campaign activities and public opinion polling within the vicinity
 21 of a polling place, and inserting in lieu thereof new subsections (c), (d), and (d.1) to read as
 22 follows:

23 "(c) No person shall solicit votes in any manner or by any means or method, nor shall any
 24 person distribute any campaign literature, newspaper, booklet, pamphlet, card, sign, or any
 25 other written or printed matter of any kind, nor shall any person conduct any exit poll or
 26 public opinion poll with voters within a room under the control or supervision of the
 27 registrars or absentee ballot clerk in which absentee ballots are being cast on any day or
 28 within 150 feet of any elector waiting to cast an absentee ballot pursuant to subsection (b)
 29 of Code Section 21-2-380. No campaign literature, booklet, pamphlet, card, sign, or other
 30 written or printed matter shall be displayed in any building containing a room under the
 31 control or supervision of the registrars or absentee ballot clerk in which absentee ballots
 32 are cast during the period when absentee ballots are available for voting. These restrictions
 33 shall not apply to conduct occurring in private offices or areas which cannot be seen or
 34 heard by such electors.

1 (d) No person shall solicit signatures for any petition within a room under the control or
 2 supervision of the registrars or absentee ballot clerk in which absentee ballots are being
 3 cast on any day.

4 (d.1) Rooms under the control or supervision of the registrars or absentee ballot clerk in
 5 which absentee ballots are cast shall be considered polling places."

6 SECTION 49.

7 Said chapter is further amended by striking Code Section 21-2-418, relating to provisional
 8 ballots, and inserting in lieu thereof a new Code Section 21-2-418 to read as follows:

9 "21-2-418.

10 (a) If a person presents himself or herself at a polling place, absentee polling place, or
 11 registration office for the purpose of casting a ballot in a primary or election believing that
 12 he or she has timely registered to vote in such primary or election and the person's name
 13 does not appear on the list of registered electors ~~and it cannot be immediately determined~~
 14 ~~that the person did timely register to vote in such primary or election~~, the person shall be
 15 entitled to cast a provisional ballot as provided in this Code section.

16 (b) Such person voting a provisional ballot shall complete an official voter registration
 17 form and a provisional ballot voting certificate which shall include information about the
 18 place, manner, and approximate date on which the person registered to vote. The person
 19 shall swear or affirm in writing that he or she previously registered to vote in such primary
 20 or election, is eligible to vote in such primary or election, has not voted previously in such
 21 primary or election, and meets the criteria for registering to vote in such primary or
 22 election. The form of the provisional ballot voting certificate shall be prescribed by the
 23 Secretary of State. The person shall also present the identification required by Code
 24 Section 21-2-417.

25 (c) When the person has provided the information as required by this Code section, the
 26 person shall be issued a provisional ballot and allowed to cast such ballot as any other duly
 27 registered elector subject to the provisions of Code Section 21-2-419.

28 (d) Notwithstanding any provision of this chapter to the contrary, in primaries and
 29 elections in which there is a federal candidate on the ballot, in the event that the time for
 30 closing the polls at a polling place or places is extended by court order, all electors who
 31 vote during such extended time period shall vote by provisional ballot only. Such ballots
 32 shall be separated and held apart from other provisional ballots cast by electors during
 33 normal poll hours. Primaries and elections in which there is no federal candidate on the
 34 ballot shall not be subject to the provisions of this subsection.

35 (e) The registrars shall establish a free access system, such as a toll-free telephone number
 36 or Internet website, by which any elector who casts a provisional ballot in a primary or

1 election, or runoff of either, in which federal candidates are on the ballot may ascertain
 2 whether such ballot was counted and, if such ballot was not counted, the reason why such
 3 ballot was not counted. The registrars shall establish and maintain reasonable procedures
 4 necessary to protect the security, confidentiality, and integrity of personal information
 5 collected, stored, or otherwise used by such free access system. Access to such information
 6 about an individual provisional ballot shall be restricted to the elector who cast such ballot.

7 (f) At the time an elector casts a provisional ballot, the poll officers shall give the elector
 8 written information that informs the elector of the existence of the free access system
 9 required by subsection (e) of this Code section by which the elector will be able to
 10 ascertain if his or her ballot was counted and, if such ballot was not counted, the reason
 11 why such ballot was not counted.

12 (g) Failure to establish such free access system shall subject the registrars and the county
 13 by which the registrars are employed to sanctions by the State Election Board.

14 (h) Notwithstanding any other provision of this chapter to the contrary, in the event that
 15 the voting machines or DRE units at a polling place malfunction and cannot be used to cast
 16 ballots or some other emergency situation exists which prevents the use of such equipment
 17 to cast votes, provisional ballots may be used by the electors at the polling place to cast
 18 their ballots. In such event, the ballots cast by electors whose names appear on the electors
 19 list for such polling place shall not be considered provisional ballots and shall not require
 20 verification as provided by Code Section 21-2-419; provided, however, that persons whose
 21 names do not appear on the electors list for such polling place shall vote provisional ballots
 22 which shall be subject to verification under Code Section 21-2-419."

23 SECTION 50.

24 Said chapter is further amended by striking Code Section 21-2-430, relating to opening of
 25 ballot boxes and posting of instruction cards and notices of penalties, and inserting in lieu
 26 thereof a new Code Section 21-2-430 to read as follows:

27 "21-2-430.

28 In precincts in which ballots are used, the poll officers shall, after taking the oath, publicly
 29 open the ballot boxes which have been furnished to them and shall, prior to opening of the
 30 polls, totally destroy any ballots and other papers which they may find therein which are
 31 not intended for use in such primary or election. When the polling place is opened, the
 32 ballot box shall be securely locked and shall not be opened until the close of the polls, as
 33 provided in Code Section 21-2-436. At the opening of the polls, the seals of the packages
 34 furnished by the superintendent shall be publicly broken and such packages shall be opened
 35 by the chief manager. The cards of instruction shall be immediately posted in each voting
 36 compartment. ~~Not less than three such cards and notices of penalties~~ One card of

1 instruction, one notice of penalties, and one voting rights poster shall be immediately
 2 posted in or about the voting room outside the enclosed space; and such ~~cards~~ card of
 3 ~~instruction, and notices~~ notice of penalties, and voting rights poster shall be given to any
 4 elector at his or her request so long as there are any on hand."

5 **SECTION 51.**

6 Said chapter is further amended by striking subsection (a) of Code Section 21-2-450, relating
 7 to opening of the polls, and inserting in lieu thereof a new subsection (a) to read as follows:

8 "(a)(1) In the precincts in which voting machines are used, the seals of the package
 9 furnished by the superintendent shall be publicly broken at the opening of the polls and
 10 such package shall be opened by the chief manager. ~~Not less than three cards of~~
 11 ~~instruction and notices of penalties;~~ One card of instructions, one notice of penalties, one
 12 voting rights poster, and not less than two diagrams of the face of the machine shall be
 13 immediately posted in or about the voting room outside the enclosed space; and such
 14 ~~cards, and notices of penalties, and voting rights posters~~ shall be given to any elector at
 15 his or her request, so long as there are any on hand.

16 (2) The managers, before opening the envelope containing the keys which unlock the
 17 operating mechanism and registering counters or counter compartment of the voting
 18 machine, shall examine the number of the seal on the machine and the number registered
 19 on the protective counter or device and shall see whether they are the same as the
 20 numbers written on the envelope containing the keys. If either number shall be found not
 21 to agree, the envelope shall remain unopened until the poll officers shall have notified the
 22 proper custodian of voting machines; or the superintendent and until the custodian or
 23 some other person authorized by the superintendent shall have presented himself or
 24 herself at the polling place for the purpose of reexamining the machine and shall have
 25 certified that it is properly arranged. But, if the numbers on the seal and the protective
 26 counter or device shall both be found to agree with the numbers on the envelope, the
 27 envelope shall be opened, and where the voting machine provided is not equipped with
 28 a mechanism for printing paper proof sheets, the poll officers shall examine the
 29 registering counters and, for that purpose, shall open the doors concealing such counter,
 30 if the construction of the voting machine shall so require; and, before the polls are
 31 opened, each manager shall carefully examine every counter and shall see that it registers
 32 zero. When the voting machine provided is equipped with a mechanism for printing
 33 paper proof sheets and requires the simultaneous use of three keys to unlock the
 34 registering counters or counter compartment, the chief manager shall deliver one of the
 35 two keys to an assistant manager, to be retained by him or her, and shall then print at least
 36 two proof sheets, one of which each manager shall carefully examine to ascertain whether

1 every counter registers zero and shall then preserve such proof sheets to be signed by
 2 them and returned to the superintendent, with the duplicate return sheet, and shall sign
 3 and post the other proof sheet upon the wall of the polling place, where it shall remain
 4 until the polls are closed. The key delivered by the chief manager to such assistant
 5 manager, as provided in this subsection, shall be retained by him or her until the polls
 6 have been closed; and the voting and counting mechanism of the machine shall have been
 7 locked and sealed against voting and shall then be returned to the chief manager, for
 8 return by him or her to the superintendent, as provided in this part."

9 **SECTION 52.**

10 Said chapter is further amended by striking subsection (b) of Code Section 21-2-540, relating
 11 to conduct of special elections generally, and inserting in lieu thereof a new subsection (b)
 12 to read as follows:

13 "(b) At least 29 days shall intervene between the call of a special primary and the holding
 14 of same, and at least 29 days shall intervene between the call of a special election and the
 15 holding of same. The period during which candidates may qualify to run in a special
 16 primary or a special election shall remain open for a minimum of two and one-half days.
 17 ~~Municipal special~~ Special elections which are to be held in conjunction with a state-wide
 18 general primary or state-wide general election shall be called at least 60 days prior to the
 19 date of such state-wide general primary or state-wide general election; provided, however,
 20 that this requirement shall not apply to special elections held on the same date as such
 21 state-wide general primary or state-wide general election but conducted completely
 22 separate and apart from such state-wide general primary or state-wide general election
 23 using different ballots or voting equipment, facilities, poll workers, and paperwork."

24 **SECTION 53.**

25 Said chapter is further amended by adding a new Code Section 21-2-603 to read as follows:
 26 "21-2-603.

27 A person commits the offense of conspiracy to commit election fraud when he or she
 28 conspires or agrees with another to commit a violation of this chapter. The crime shall be
 29 complete when the conspiracy or agreement is effected and an overt act in furtherance
 30 thereof has been committed, regardless of whether the violation of this chapter is
 31 consummated. A person convicted of the offense of conspiracy to commit election fraud
 32 involving a violation of this chapter which is a felony shall be punished by imprisonment
 33 for not less than one year nor more than one-half the maximum period of time for which
 34 he or she could have been sentenced if he or she had been convicted of the crime conspired
 35 to have been committed, by one-half the maximum fine to which he or she could have been

1 subjected if he or she had been convicted of such crime, or both. A person convicted of the
2 offense of conspiracy to commit election fraud involving a violation of this chapter which
3 is a misdemeanor shall be punished as for a misdemeanor.”

4 **SECTION 54.**

5 Except for Section 13, this Act shall become effective on July 1, 2005. Section 13 shall
6 become effective on January 1, 2006.

7 **SECTION 55.**

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