

House Bill 597

By: Representatives Burmeister of the 119<sup>th</sup>, Scott of the 153<sup>rd</sup>, Keen of the 179<sup>th</sup>, Fleming of the 117<sup>th</sup>, and Geisinger of the 48<sup>th</sup>

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 repeal a certain definition; to provide that a  
3 candidate must receive a majority of the votes cast to be elected to office; to provide that  
4 nonpartisan elections shall be held in conjunction with the November general election; to  
5 provide for qualifying for such nonpartisan election; to provide that electors must present  
6 proper identification when registering to vote or, if registering to vote for the first time in this  
7 state by mail, prior to voting; to provide for a state write-in absentee ballot for certain  
8 electors; to provide procedures for use of such ballot; to provide that no absentee ballot will  
9 be mailed after the seventh day prior to a primary or election; to provide that certain absentee  
10 ballots in runoffs that are postmarked by the date of the runoff may be received by the  
11 registrars up to ten days after the runoff; to provide for the types of identification that must  
12 be presented in order to register and to vote; to provide that the Secretary of State shall  
13 ensure that election superintendents know how to count certain provisional ballots; to extend  
14 the time for requesting a recount under certain circumstances; to provide for related matters;  
15 to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and  
19 elections generally, is amended by striking paragraph (22) of Code Section 21-2-2, relating  
20 to definitions, and inserting in lieu thereof a new paragraph (22) to read as follows:

21 ~~"(22) 'Plurality' means the receiving by one candidate alone of the highest number of~~  
22 ~~votes cast for eligible candidates in an election among the candidates for the same office,~~  
23 ~~provided that such number of votes exceeds 45 percent of the total number of votes cast~~  
24 ~~in such election for such office. In the case where two or more persons tie in receiving~~  
25 ~~the highest number of votes or no candidate receives more than 45 percent of the total~~

1 ~~votes cast for eligible candidates in the election for the office sought there is no plurality~~  
 2 Reserved."

### 3 SECTION 2.

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

7 "(c) Except as provided in subsection (i) of this Code section, all candidates seeking  
 8 election in a nonpartisan election shall file their notice of candidacy and pay the prescribed  
 9 qualifying fee by the date prescribed in this subsection in order to be eligible to have their  
 10 names placed on the nonpartisan election ballot by the Secretary of State or election  
 11 superintendent, as the case may be, in the following manner:

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

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

29 (d) Except as provided in subsection (i) of this Code section, all political body and  
 30 independent candidates shall file their notice of candidacy and pay the prescribed  
 31 qualifying fee by the date prescribed in this subsection in order to be eligible to have their  
 32 names placed on the election ballot by the Secretary of State or election superintendent, as  
 33 the case may be, in the following manner:

34 (1) Each candidate for federal or state office, or his or her agent, desiring to have his or  
 35 her name placed on the election ballot shall file a notice of his or her candidacy, giving  
 36 his or her name, residence address, and the office he or she is seeking, in the office of the

1 Secretary of State no earlier than 9:00 A.M. on the fourth Monday in June immediately  
 2 prior to the election and no later than 12:00 Noon on the Friday following the fourth  
 3 Monday in June in the case of a general election and no earlier than the date of the call  
 4 of the election and no later than 25 days prior to the election in the case of a special  
 5 election;

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

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

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

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

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

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

1 "(i) Notwithstanding any other provision of this chapter to the contrary, for general  
 2 elections held in the even-numbered year immediately following the official release of the  
 3 United States decennial census data to the states for the purpose of redistricting of the  
 4 legislatures and the United States House of Representatives, candidates in such elections  
 5 shall qualify as provided in this subsection:

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

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

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

28 (2) All political body and independent candidates shall file their notice of candidacy and  
 29 pay the prescribed qualifying fee by the date prescribed in this paragraph in order to be  
 30 eligible to have their names placed on the general election ballot by the Secretary of State  
 31 or election superintendent, as the case may be, in the following manner:

32 (A) Each candidate for federal or state office, or his or her agent, desiring to have his  
 33 or her name placed on the general election ballot shall file a notice of his or her  
 34 candidacy, giving his or her name, residence address, and the office he or she is  
 35 seeking, in the office of the Secretary of State no earlier than 9:00 A.M. on the last  
 36 Monday in July immediately prior to the election and no later than 12:00 Noon on the  
 37 Friday following the last Monday in July; and

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

8 (3) Candidates required to file nomination petitions under subsection (e) of this Code  
 9 section shall file such petitions not earlier than 9:00 A.M. on the fourth Monday in July  
 10 immediately prior to the general election and not later than 12:00 Noon on the first  
 11 Monday in August immediately prior to the general election."

### 12 SECTION 3.

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

16 "(a) No person elected on a write-in vote shall be eligible to hold office unless notice of  
 17 his or her intention of candidacy was filed and published no earlier than January 1 and no  
 18 later than the Tuesday after the first Monday in September prior to the election for county,  
 19 state, and federal elections; no later than seven days after the close of the municipal  
 20 qualifying period for municipal elections in the case of a general election; ~~no earlier than~~  
 21 ~~January 1 and no later than the Tuesday after the first Monday in June in the case of a~~  
 22 ~~nonpartisan election for a state or county office which was not covered by a local Act of~~  
 23 ~~the General Assembly on July 1, 2001, which provided for election in a nonpartisan~~  
 24 ~~election without a prior nonpartisan primary; no later than the third Monday in July in the~~  
 25 ~~case of a nonpartisan election for a state or county office which was not covered by a local~~  
 26 ~~Act of the General Assembly on July 1, 2001, which provided for election in a nonpartisan~~  
 27 ~~election without a prior nonpartisan primary held in the even-numbered year immediately~~  
 28 ~~following the official release of the United States decennial census data to the states for the~~  
 29 ~~purpose of redistricting of the legislatures and the United States House of Representatives;~~  
 30 or at least 20 or more days prior to a special election by the person to be a write-in  
 31 candidate or by some other person or group of persons qualified to vote in the subject  
 32 election, as follows:

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

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

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

#### 7 SECTION 4.

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

11 "21-2-138.

12 The names of all candidates who have qualified with the Secretary of State for the office  
 13 of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court  
 14 of this state and the names of all candidates who have qualified with the election  
 15 superintendent for the office of judge of a state court shall be placed on the ballot in a  
 16 nonpartisan election to be held and conducted jointly with the general primary election in  
 17 each even-numbered year; ~~provided that nonpartisan elections for the office of judge of the~~  
 18 ~~state court which was covered on July 1, 2001, by a local Act of the General Assembly~~  
 19 ~~which provided for election in a nonpartisan election without a prior nonpartisan primary~~  
 20 ~~shall be held and conducted jointly with the general election in even-numbered years. No~~  
 21 candidates for any such office shall be nominated by a political party or by a petition as a  
 22 candidate of a political body or as an independent candidate. Candidates for any such  
 23 office, ~~except offices which were covered on July 1, 2001, by a local Act of the General~~  
 24 ~~Assembly which provided for election in a nonpartisan election without a prior nonpartisan~~  
 25 ~~primary~~, shall have their names placed on the nonpartisan portion of each ~~political party~~  
 26 ballot by complying with the requirements prescribed in Code Section 21-2-132  
 27 specifically related to such nonpartisan candidates and by paying the requisite qualifying  
 28 fees as prescribed in Code Section 21-2-131. ~~The Secretary of State may provide for the~~  
 29 ~~printing of independent ballots containing the names of the nonpartisan candidates for~~  
 30 ~~those voters not affiliated with a political party.~~ Candidates shall be listed on the official  
 31 ballot in a nonpartisan election as provided in Code Sections 21-2-284.1 and 21-2-285.1,  
 32 respectively. Except as otherwise specified in this chapter, the procedures to be employed  
 33 in conducting the nonpartisan election of judges of state courts, judges of superior courts,  
 34 Judges of the Court of Appeals, and Justices of the Supreme Court shall conform as nearly  
 35 as practicable to the procedures governing ~~general primaries and~~ general elections; and  
 36 such ~~general primary and~~ general election procedures as are necessary to complete this

1 nonpartisan election process shall be adopted in a manner consistent with such nonpartisan  
2 elections."

3 **SECTION 5.**

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

7 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General  
8 Assembly may provide by local Act for the election in nonpartisan elections of candidates  
9 to fill county judicial offices, offices of local school boards, and offices of consolidated  
10 governments which are filled by the vote of the electors of said county or political  
11 subdivision. Except as otherwise provided in this Code section, the procedures to be  
12 employed in such nonpartisan elections shall conform as nearly as practicable to the  
13 procedures governing nonpartisan elections as provided in this chapter. Except as  
14 otherwise provided in this Code section, the election procedures established by any existing  
15 local law which provides for the nonpartisan election of candidates to fill county offices  
16 shall conform to the general procedures governing nonpartisan elections as provided in this  
17 chapter, and such nonpartisan elections shall be conducted in accordance with the  
18 applicable provisions of this chapter, notwithstanding the provisions of any existing local  
19 law. For those offices for which the General Assembly as of July 1, 2001, pursuant to this  
20 Code section, provided by local Act for election in nonpartisan primaries and elections,  
21 such offices shall no longer require nonpartisan primaries. Such officers shall be elected  
22 in nonpartisan elections held and conducted in conjunction with the November general  
23 primary election in accordance with this chapter without a prior nonpartisan primary. For  
24 ~~those offices for which the General Assembly as of July 1, 2001, provided by local Act for~~  
25 ~~election in a nonpartisan election without a prior nonpartisan primary, such offices shall~~  
26 ~~be elected in nonpartisan elections held and conducted in conjunction with the November~~  
27 ~~general election without a prior nonpartisan primary.~~ Nonpartisan elections for municipal  
28 offices shall be conducted on the dates provided in the municipal charter."

29 **SECTION 6.**

30 Said chapter is further amended by striking subsection (b) of Code Section 21-2-151, relating  
31 to authorization for political party primaries, and inserting in lieu thereof a new subsection  
32 (b) to read as follows:

33 "(b) The primary held for such purposes shall be conducted by the superintendent in the  
34 same manner as prescribed by law and by rules and regulations of the State Election Board  
35 and the superintendent for general elections. Primaries of all political parties ~~and all~~

1 ~~nonpartisan elections for nonpartisan offices other than those offices which were covered~~  
 2 ~~on July 1, 2001, by a local Act of the General Assembly which provided for election in a~~  
 3 ~~nonpartisan election without a prior nonpartisan primary shall be conducted jointly."~~

#### 4 SECTION 7.

5 Said chapter is further amended by striking subsections (c) and (d) of Code Section 21-2-220,  
 6 relating to application for registration, and inserting in lieu thereof new subsections (c) and  
 7 (d) to read as follows:

8 "(c) Except as otherwise provided in this subsection, electors who register to vote for the  
 9 first time in this state in person must present current and valid identification containing a  
 10 photograph of the elector. Electors who register to vote for the first time in this state by  
 11 mail must present current and valid identification either when registering to vote by mail  
 12 or when voting for the first time after registering to vote by mail. The current and valid  
 13 identification shall be one or more of those forms of identification provided in Code  
 14 Section 21-2-417 or a legible copy thereof. The registrars shall make copies of any original  
 15 forms of identification submitted by applicants and return the originals to the applicants.  
 16 The requirement to submit identification shall not apply to:

- 17 ~~(1) Persons who submit identifying information with their applications that the registrars~~  
 18 ~~are able to match to information contained on a state database available to such registrars~~  
 19 ~~containing the same number, name, and date of birth as contained in the application;~~  
 20 ~~(2) (1) Persons who are entitled to vote by absentee ballot under the federal Uniformed~~  
 21 ~~and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq.; or~~  
 22 ~~(3) (2) Persons who are entitled to vote otherwise than in person under any other federal~~  
 23 law.

24 (d) If an applicant fails to provide all of the required information on the application for  
 25 voter registration ~~with the exception of current and valid identification~~, the board of  
 26 registrars shall notify the registrant in writing of the missing information. The board of  
 27 registrars shall not determine the eligibility of the applicant until and unless all required  
 28 information is supplied by the applicant. If the initial application is received prior to the  
 29 close of voter registration prior to an election, if the applicant supplies the necessary  
 30 information on or prior to the date of the election, and if the applicant is found eligible to  
 31 vote, the applicant shall be added to the list of electors and shall be permitted to vote in the  
 32 election and any run-off elections resulting therefrom and subsequent elections; provided,  
 33 however, that voters who registered to vote for the first time in this state by mail must  
 34 supply current and valid identification when voting for the first time as required in  
 35 subsection (c) of this Code section. In the event the elector does not respond to the request  
 36 for the missing information within 30 days, the application shall be rejected."

**SECTION 8.**

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

"21-2-284.1.

~~(a) The names of all candidates seeking election in a nonpartisan election conducted in conjunction with a partisan primary shall be printed on the ballot of each political party; and insofar as practicable such offices to be filled in a nonpartisan election shall be separated from the names of political party candidates by being listed last on each political party ballot, with the top of that portion of the ballot relating to the nonpartisan election to have printed in prominent type the words 'OFFICIAL NONPARTISAN ELECTION BALLOT.' Directions that explain how to cast a vote, how to write in a candidate, and how to obtain a new ballot after one is spoiled shall appear immediately under the caption as specified by rules and regulations of the State Election Board. Immediately under the directions, the names of the nonpartisan candidates shall in all cases be arranged under the title of the office for which they are candidates and be printed thereunder in alphabetical order. No party designation or affiliation shall appear beside the name of any candidate for nonpartisan office. An appropriate space shall also be placed on the ballot for the casting of write-in votes for such offices. The incumbency of a nonpartisan candidate seeking election to the public office he or she then holds shall be indicated on the ballots by printing the word 'Incumbent' beside his or her name. Under the title of each office shall be placed a direction as to the number of nonpartisan candidates to be voted for. The votes cast for each nonpartisan candidate listed on all political party ballots shall be combined to determine the total number of votes received by each candidate in the nonpartisan election. In the event that a candidate in such nonpartisan election does not receive a plurality of the total votes cast for such office, there shall be a nonpartisan election runoff between the candidates receiving the two highest numbers of votes for such office; and the names of such candidates shall be placed on each political party ballot at the general primary runoff in the same nonpartisan portion as prescribed in this Code section. If no political party runoff is required, the form of the ballot for the nonpartisan election runoff shall be prescribed by the Secretary of State or election superintendent in essentially the same format prescribed for nonpartisan elections. The candidate receiving the highest number of votes cast in the nonpartisan election runoff shall be declared duly elected to such office.~~

~~(b) In the case of nonpartisan municipal primaries, the form of the official nonpartisan primary ballot shall conform insofar as practicable to the form of the official primary ballot as detailed in Code Section 21-2-284, except that:~~

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

2 'OFFICIAL NONPARTISAN PRIMARY BALLOT OF

3 \_\_\_\_\_  
4 (Name of Municipality)';

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

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

### 10 SECTION 9.

11 Said chapter is further amended by striking Code Section 21-2-285.1, relating to the form of  
12 the ballot in nonpartisan elections, and inserting in lieu thereof a new Code Section  
13 21-2-285.1 to read as follows:

14 "21-2-285.1.

15 The names of all candidates for offices which ~~were covered on July 1, 2001, by a local Act~~  
16 ~~of the General Assembly which~~ has by local Act provided for election in a nonpartisan  
17 election ~~without a prior nonpartisan primary~~ shall be printed on each official election  
18 ballot; and insofar as practicable such offices to be filled in the nonpartisan election shall  
19 be separated from the names of candidates for other offices by being listed last on each  
20 ballot, with the top of that portion of each official election ballot relating to the nonpartisan  
21 election to have printed in prominent type the words 'OFFICIAL NONPARTISAN  
22 ELECTION BALLOT.' Directions that explain how to cast a vote, how to write in a  
23 candidate, and how to obtain a new ballot after the elector spoils his or her ballot shall  
24 appear immediately under the caption, as specified by rule or regulation of the State  
25 Election Board. Immediately under the directions, the name of each such nonpartisan  
26 candidate shall be arranged alphabetically by last name under the title of the office for  
27 which they are candidates and be printed thereunder. The incumbency of a candidate  
28 seeking election for the public office he or she then holds shall be indicated on the ballot.  
29 No party designation or affiliation shall appear beside the name of any candidate for  
30 nonpartisan office. An appropriate space shall also be placed on the ballot for the casting  
31 of write-in votes for such offices. In the event that no candidate in such nonpartisan  
32 election receives a ~~plurality~~ majority of the total votes cast for such office, there shall be  
33 a nonpartisan election runoff between the candidates receiving the two highest numbers of  
34 votes; and the names of such candidates shall be placed on the official ballot at the general  
35 election runoff in the same manner as prescribed in this Code section for the nonpartisan  
36 election. In the event that only nonpartisan candidates are to be placed on a run-off ballot,

1 the form of the ballot shall be as prescribed by the Secretary of State or election  
 2 superintendent in essentially the same format as prescribed for the nonpartisan election.  
 3 The candidate having a ~~plurality~~ majority of the votes cast in the nonpartisan election or  
 4 the candidate receiving the highest number of votes cast in the nonpartisan election runoff  
 5 shall be declared duly elected to such office."

#### 6 **SECTION 10.**

7 Said chapter is further amended by adding a new Code Section 21-2-381.2 to read as follows:  
 8 "21-2-381.2.

9 (a) The Secretary of State shall design a state write-in absentee ballot for use in a primary  
 10 runoff or election runoff by an eligible absentee elector who lives outside the county or  
 11 municipality in which the election is held and who is:

12 (1) A member of the armed forces of the United States, a member of the merchant  
 13 marine of the United States, a member of the commissioned corps of the Public Health  
 14 Service or the National Oceanic and Atmospheric Administration, or a spouse or  
 15 dependent of such member residing with or accompanying said member; or

16 (2) A citizen of the United States residing outside the United States.

17 (b) Such state write-in absentee ballot shall be automatically included with any absentee  
 18 ballot sent to such eligible absentee electors for any general primary or general election in  
 19 which there are federal candidates on the ballot and there is a possibility of a primary  
 20 runoff or election runoff in which federal candidates will be on the runoff ballot. No  
 21 special request for such state write-in absentee ballot shall be required.

22 (c) The state write-in absentee ballot shall contain instructions for completing and  
 23 returning such ballot and shall advise the elector specifically that it should only be used in  
 24 the case of a primary runoff or election runoff involving federal candidates.

25 (d) The Secretary of State shall establish a website which such eligible absentee electors  
 26 may access to determine if there is a primary runoff or election runoff involving federal  
 27 candidates. The address of such website shall be included in the instructions for voting  
 28 such state write-in absentee ballot.

29 (e) The State Election Board may provide by rule or regulation for additional means of  
 30 transmitting the state write-in absentee ballot to eligible absentee electors including, but  
 31 not limited to, the use of facsimile transmissions and portable document format electronic  
 32 versions.

33 (f) The registrars shall send a regular absentee ballot to such eligible absentee electors in  
 34 accordance with Code Section 21-2-381. In the event that both the regular absentee ballot  
 35 and the state write-in absentee ballot are received by the registrars within the time period  
 36 for receiving absentee ballots, the regular absentee ballot shall be counted and the state

1 write-in absentee ballot shall be kept unopened in the same manner as absentee ballots that  
 2 are returned too late to be counted. Ballots for primary runoffs and election runoffs that  
 3 are postmarked by the date of the primary runoff or election runoff, if proper in all other  
 4 respects, shall be counted if received by the registrars within the ten day period following  
 5 such primary runoff or election runoff."

#### 6 SECTION 11.

7 Said chapter is further amended by striking subsection (a) of Code Section 21-2-384, relating  
 8 to mailing of absentee ballots, and inserting in lieu thereof a new subsection (a) to read as  
 9 follows:

10 "(a)(1) The superintendent shall, as soon as practicable prior to each primary or election,  
 11 but at least 45 days prior to any primary or general election other than a municipal  
 12 primary or election, and at least 21 days prior to any municipal primary or general  
 13 election, prepare, obtain, and deliver an adequate supply of official absentee ballots to the  
 14 board of registrars or absentee ballot clerk for use in the primary or election. Envelopes  
 15 and other supplies as required by this article may be ordered by the superintendent, the  
 16 board of registrars, or the absentee ballot clerk for use in the primary or election.

17 (2) The board of registrars or absentee ballot clerk shall, within two days after the receipt  
 18 of such ballots and supplies, mail or issue official absentee ballots to all eligible  
 19 applicants; ~~and, as~~ As additional applicants are determined to be eligible, the board or  
 20 clerk shall mail or issue official absentee ballots to such additional applicants  
 21 immediately upon determining their eligibility; provided, however, that no absentee ballot  
 22 shall be mailed by the registrars or absentee ballot clerk on or after the seventh day prior  
 23 to a primary or election.

24 (3) The date a ballot is voted in the registrars' or absentee ballot clerk's office or the date  
 25 a ballot is mailed to an elector and the date it is returned shall be entered on the  
 26 application record therefor.

27 (4) The delivery of an absentee ballot to a person confined in a hospital may be made by  
 28 the registrar or clerk on the day of a primary or election or during a five-day period  
 29 immediately preceding the day of such primary or election.

30 (5) In the event an absentee ballot which has been mailed by the board of registrars or  
 31 absentee ballot clerk is not received by the applicant, the applicant may notify the board  
 32 of registrars or absentee ballot clerk and sign an affidavit stating that the absentee ballot  
 33 has not been received. The board of registrars or absentee ballot clerk shall then issue a  
 34 second absentee ballot to the applicant and cancel the original ballot issued. The affidavit  
 35 shall be attached to the original application. A second application for an absentee ballot  
 36 shall not be required."

**SECTION 12.**

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

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

(B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the receipt of the ballot on its envelope. The registrar or clerk shall then compare the identifying information on the oath with the information on file in his or her office, shall compare the signature or mark on the oath with the signature or mark on the absentee elector's application for absentee ballot or a facsimile of said signature or mark taken from said application, and shall, if the information and signature appear to be valid, so certify by signing or initialing his or her name below the voter's oath. Each elector's name so certified shall be listed by the registrar or clerk on the numbered list of absentee voters prepared for his or her precinct.

(C) If the elector has failed to sign the oath, or if the signature does not appear to be valid, or if the elector has failed to furnish required information or information so furnished does not conform with that on file in the registrar's or clerk's office, or if the elector is otherwise found disqualified to vote, the registrar or clerk shall write across the face of the envelope 'Rejected,' giving the reason therefor. The board of registrars or absentee ballot clerk shall promptly notify the elector of such rejection, a copy of which notification shall be retained in the files of the board of registrars or absentee ballot clerk for at least one year.

(D) Three copies of the numbered list of voters shall also be prepared for such rejected absentee electors, giving the name of the elector and the reason for the rejection in each case. Three copies of the numbered list of certified absentee voters and three copies of the numbered list of rejected absentee voters for each precinct shall be turned over to the poll manager in charge of counting the absentee ballots and shall be distributed as required by law for numbered lists of voters.

(E) All absentee ballots returned to the board or absentee ballot clerk after the closing of the polls on the day of the primary or election shall be safely kept unopened by the board or absentee ballot clerk and then transferred to the appropriate clerk for storage for the period of time required for the preservation of ballots used at the primary or election and shall then, without being opened, be destroyed in like manner as the used ballots of the primary or election. The board of registrars or absentee ballot clerk shall

1 promptly notify the elector by first-class mail that the elector's ballot was returned too  
 2 late to be counted and that the elector will not receive credit for voting in the primary  
 3 or election. All such late absentee ballots shall be delivered to the appropriate clerk and  
 4 stored as provided in Code Section 21-2-390.

5 (F) Notwithstanding any provision of this chapter to the contrary, absentee ballots cast  
 6 in a primary runoff or election runoff by eligible absentee electors who reside outside  
 7 the county or municipality in which the primary runoff or election runoff is held and  
 8 are members of the armed forces of the United States, members of the merchant marine  
 9 of the United States, spouses or dependents of members of the armed forces or  
 10 merchant marine residing with or accompanying such members, or overseas citizens  
 11 that are postmarked by the date of the primary runoff or election runoff and are received  
 12 within the ten day period following such primary runoff or election runoff, if proper in  
 13 all other respects, shall be valid ballots and shall be counted and included in the  
 14 certified election results."

### 15 SECTION 13.

16 Said chapter is further amended by striking Code Section 21-2-417, relating to presentation  
 17 of identification to poll workers, and inserting in lieu thereof a new Code Section 21-2-417  
 18 to read as follows:

19 "21-2-417.

20 (a) Each elector shall present proper identification to a poll worker at or prior to  
 21 completion of a voter's certificate at any polling place and prior to such person's admission  
 22 to the enclosed space at such polling place. Proper identification shall consist of any one  
 23 of the following:

24 (1) A valid Georgia driver's license;

25 (2) A valid identification card containing a photograph of the elector and issued by a  
 26 branch, department, agency, or entity of the State of Georgia, any other state, or the  
 27 United States authorized by law to issue personal identification;

28 (3) A valid United States passport;

29 (4) A valid employee identification card containing a photograph of the elector and  
 30 issued by any branch, department, agency, or entity of the United States government, this  
 31 state, or any county, municipality, board, authority, or other entity of this state;

32 (5) A valid employee identification card containing a photograph of the elector and  
 33 issued by any employer of the elector in the ordinary course of such employer's business;

34 (6) A valid student identification card containing a photograph of the elector from any  
 35 public or private college, university, or postgraduate technical or professional school  
 36 located within the State of Georgia; or

- 1 ~~(7) A valid Georgia license to carry a pistol or revolver;~~  
 2 ~~(8) A valid pilot's license issued by the Federal Aviation Administration or other~~  
 3 ~~authorized agency of the United States;~~  
 4 ~~(9) (7) A valid United States military identification card containing a photograph of the~~  
 5 ~~elector;~~  
 6 ~~(10) A certified copy of the elector's birth certificate;~~  
 7 ~~(11) A valid social security card;~~  
 8 ~~(12) Certified naturalization documentation;~~  
 9 ~~(13) A certified copy of court records showing adoption, name, or sex change;~~  
 10 ~~(14) A current utility bill, or a legible copy thereof, showing the name and address of the~~  
 11 ~~elector;~~  
 12 ~~(15) A bank statement, or a legible copy thereof, showing the name and address of the~~  
 13 ~~elector;~~  
 14 ~~(16) A government check or paycheck, or a legible copy thereof, showing the name and~~  
 15 ~~address of the elector; or~~  
 16 ~~(17) A government document, or a legible copy thereof, showing the name and address~~  
 17 ~~of the elector.~~
- 18 (b) ~~If an elector is unable to produce any of the items of identification listed in subsection~~  
 19 ~~(a) of this Code section, he or she shall sign a statement under oath in a form approved by~~  
 20 ~~the Secretary of State, separate and distinct from the elector's voter certificate, swearing~~  
 21 ~~or affirming that he or she is the person identified on the elector's voter certificate. Such~~  
 22 ~~person shall be allowed to vote without undue delay; provided, however, that an An elector~~  
 23 ~~who registered for the first time in this state by mail and did not provide one of the forms~~  
 24 ~~of identification set forth in subsection (a) of this Code section at the time of registration~~  
 25 ~~and who is voting for the first time may vote a provisional ballot pursuant to Code Section~~  
 26 ~~21-2-418 upon swearing or affirming that the elector is the person identified in the elector's~~  
 27 ~~voter certificate. Such provisional ballot shall only be counted if the registrars are able to~~  
 28 ~~verify current and valid identification of the elector as provided in this Code section within~~  
 29 ~~the time period for verifying provisional ballots pursuant to Code Section 21-2-419.~~  
 30 ~~Falsely swearing or affirming such statement under oath shall be punishable as a felony,~~  
 31 ~~and the penalty shall be distinctly set forth on the face of the statement."~~

#### 32 SECTION 14.

33 Said chapter is further amended by striking paragraph (2) of subsection (c) of Code Section  
 34 21-2-419, relating to validation of provisional ballots, and inserting in lieu thereof a new  
 35 paragraph (2) to read as follows:



1 immediately. If, upon such recount, it is determined that the original count was incorrect,  
 2 the returns and all papers prepared by the superintendent, the superintendents, or the  
 3 Secretary of State shall be corrected accordingly and the results recertified."

#### 4 SECTION 16.

5 Said chapter is further amended by striking Code Section 21-2-501, relating to number of  
 6 votes required for election, and inserting in lieu thereof a new Code Section 21-2-501 to read  
 7 as follows:

8 "21-2-501.

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

1 No elector shall vote in a run-off primary or special primary runoff in violation of Code  
2 Section 21-2-224.

3 (b) For the purposes of this subsection ~~and notwithstanding the provisions of paragraph~~  
4 ~~(22) of Code Section 21-2-2~~, the word 'plurality' shall mean the receiving by one candidate  
5 alone of the highest number of votes cast. If the municipal charter or ordinances of a  
6 municipality as now existing or as amended subsequent to September 1, 1968, provide that  
7 a candidate may be nominated or elected by a plurality of the votes cast to fill such  
8 nomination or public office, such provision shall prevail. Otherwise, no municipal  
9 candidate shall be nominated for public office in any primary or elected to public office in  
10 any election unless such candidate shall have received a majority of the votes cast to fill  
11 such nomination or public office.

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

28 (d) The name of a municipal write-in candidate eligible for election in a municipal runoff  
29 shall be printed on the municipal run-off election ballot in the independent column.

30 (e) In all cities having a population in excess of 100,000 according to the United States  
31 decennial census of 1980 or any future such census, in order for a municipal candidate to  
32 be nominated for public office in any primary or elected to public office in any municipal  
33 election, he or she must receive a majority of the votes cast.

34 (f) Except for presidential electors, to be elected to public office in a general election, a  
35 candidate must receive a ~~plurality~~ majority of the votes cast in an election to fill such  
36 public office. To be elected to the office of presidential electors, no slate of candidates

1 shall be required to receive a plurality majority of the votes cast, but that slate of candidates  
2 shall be elected to such office which receives the highest number of votes cast.

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

#### 20 SECTION 17.

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