

The House Committee on Governmental Affairs offers the following substitute to HB 244:

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 remove the elector's place of
18 birth from the absentee ballot oath form; to provide that absentee electors whose vote has
19 been challenged must vote by paper or optical scanning ballot; to provide for the posting of
20 certain information at polling places; to provide for additional state-wide poll watchers; to
21 provide for poll watchers for advance voting sites; to limit the number of state-wide poll
22 watchers at individual polling places simultaneously; to prohibit certain activities within
23 close proximity to the locations where advance voting is taking place; to delete the
24 requirement that poll officers ascertain whether someone timely registered to vote prior to
25 allowing such person to vote a provisional ballot; to limit the requirement that all voters vote
26 provisional ballots when poll hours are extended by court order to elections in which federal
27 candidates are on the ballot; to provide for the use of provisional ballots by electors when
28 voting machines or DRE units malfunction or an emergency exists which prevents the use
29 of such devices; to provide for the call of special elections when held in conjunction with

1 state-wide primaries and elections; to provide for the offense of conspiracy to commit
 2 election fraud; to provide for effective dates; to repeal conflicting laws; and for other
 3 purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 **SECTION 1.**

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

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

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

14 **SECTION 2.**

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

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

SECTION 14.

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

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

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

The surname of the candidate shall be the surname of the candidate as it appears on the candidate's voter registration card. After such name is submitted to the Secretary of State or the election superintendent, the form of such name shall not be changed during the election for which such notice of candidacy is submitted;

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

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

(4) The name of his or her precinct;

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

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

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

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

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

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

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

SECTION 15.

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

"(a) No person elected on a write-in vote shall be eligible to hold office unless notice of his or her intention of candidacy was filed and published no earlier than January 1 and no

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 Code Section 21-2-264, relating to
5 reimbursement of counties for costs incurred pursuant to alteration of precinct boundaries,
6 and inserting in lieu thereof a new Code Section 21-2-264 to read as follows:

7 "21-2-264.

8 In all cases of the division, redivision, alteration, formation, or consolidation of precincts,
9 the costs of the proceedings shall be paid by the county or municipal governing authority,
10 as appropriate. There may be appropriated to the Secretary of State funds to be granted to
11 counties or municipalities for purposes of meeting the requirements of Code Section
12 21-2-261.1. Upon the filing of a written request by the election officials of any qualified
13 county or municipality, a qualified county or municipality shall be reimbursed for all
14 reasonable expenses incurred by such county or municipality which are directly related to
15 the redrawing of voting precinct boundaries, verification of voting precinct residency,
16 notification of voter precinct and polling place changes, and compilation and preparation
17 of the electors list as necessitated by Code Section 21-2-261.1; provided, however, that
18 such reimbursement of costs shall not exceed 25¢ per registered voter whose name
19 appeared on such county's or municipality's electors list as of January 1, 1982. Any
20 qualified county or municipality seeking reimbursement of such costs shall present an
21 itemized description of such costs to the Secretary of State. If the Secretary of State, after
22 a review of the report of such costs incurred by a county or municipality, shall find that all
23 or portions of such costs were reasonable and were directly related to the preparation of
24 such descriptions and lists, he or she shall approve all of those parts of the costs deemed
25 reasonable and shall reimburse the counties or municipalities for such expenses. Any state
26 funds necessary to carry out the provisions of this subsection shall come only from those
27 funds appropriated to the Secretary of State specifically for the purpose of implementing
28 the provisions of Code Section 21-2-261.1. If such funds are not sufficient to bear
29 completely the cost of fully implementing the provisions of Code Section 21-2-261.1,
30 payment to the counties or municipalities seeking assistance shall be made on a pro rata
31 basis subject to the availability of appropriated funds."

32 **SECTION 24.**

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

1 "21-2-267.

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

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

30 **SECTION 25.**

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

34 "21-2-268.

35 The superintendent or county or municipal governing authority shall fix the compensation
 36 for rent, heat, light, and janitorial services to be paid for the use of polling places for

1 primaries and elections; provided, however, that no compensation for rent, heat, or light
 2 shall be paid in the case of schoolhouses, municipal buildings or rooms, or other public
 3 buildings used as polling places."

4 **SECTION 26.**

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

8 "21-2-280.

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

15 **SECTION 27.**

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

19 "21-2-283.

20 In any primary or election, the superintendent or municipal governing authority shall cause
 21 all the ballots and ballot labels to be printed accurately and in the form prescribed by this
 22 chapter, and the superintendent or municipal governing authority shall be responsible for
 23 the safekeeping of the same while in his or her or its possession or that of his or her or its
 24 agent. The superintendent or municipal governing authority shall keep a record of the
 25 number of official ballots printed and furnished to each precinct at each primary and
 26 election, and the number of stubs, unused ballots, and canceled ballots subsequently
 27 returned therefrom."

28 **SECTION 28.**

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

32 "(e) When presidential electors are to be elected, the ballot shall not list the individual
 33 names of the nominees candidates for presidential electors but shall list the names of each
 34 political party or body for such offices shall be arranged alphabetically under or body and

1 the names of the candidates of the party or body for the offices of President and Vice
 2 President of the United States. The individual names or the nominees of each political
 3 party or body for such offices shall be posted at each polling place arranged alphabetically
 4 under the names of the candidates of the party or body for President and Vice President of
 5 the United States. A vote for the candidates for President and Vice President of a political
 6 party or body shall be deemed to be a vote for each of the candidates for presidential
 7 electors of such political party or body."

8 SECTION 29.

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

12 "21-2-320.

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

18 SECTION 30.

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

22 "21-2-321.

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

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

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

1 (d) The election on such question shall be held at the places, during the hours, and under
 2 the regulations provided by law for holding general elections and shall be conducted by the
 3 poll officers provided by law to conduct such elections. The poll officers shall count the
 4 votes cast at the election on such question and shall make return thereof to the
 5 superintendent of such ~~county~~ or municipality as required by law. The returns shall be
 6 computed by the superintendent and, when so computed, a certificate of the total number
 7 of electors voting 'Yes' and of the total number of electors voting 'No' on such question
 8 shall be filed in the office of the municipal governing authority and in the office of the
 9 Secretary of State.

10 (e) Whenever, under this Code section, the question of the adoption of voting machines
 11 is about to be submitted to the electors of any ~~county~~ or municipality, it shall be the duty
 12 of the governing authority of such ~~county~~ or municipality to ascertain whether current
 13 funds will be available to pay for such machines, if adopted and purchased, or whether it
 14 has power to increase the indebtedness of the ~~county~~ or municipality in an amount
 15 sufficient to pay for the machines without the consent of the electors; and, if such current
 16 funds will not be available and the power to increase the indebtedness of the ~~county~~ or
 17 municipality in a sufficient amount without the consent of the electors is lacking, it shall
 18 be the duty of the governing authority to submit to the electors of the ~~county~~ or
 19 municipality, in the manner provided by law, at the same election at which the adoption of
 20 voting machines is to be voted on, the question of whether the indebtedness of such ~~county~~
 21 ~~or~~ municipality shall be increased, in an amount specified by them, sufficient to pay for
 22 such voting machines, if adopted.

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

27 **SECTION 31.**

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

31 "21-2-323.

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

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

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

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

10 SECTION 32.

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

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

19 SECTION 33.

20 Said chapter is further amended by striking Code Section 21-2-327, relating to preparation
 21 of voting machines, and inserting in lieu thereof a new Code Section 21-2-327 to read as
 22 follows:

23 "21-2-327.

24 (a) The superintendent of each ~~county or~~ municipality shall cause the proper ballot labels
 25 to be placed on each voting machine which is to be used in any precinct within such ~~county~~
 26 ~~or~~ municipality, cause each machine to be placed in proper order for voting, examine each
 27 machine before it is sent out to a polling place, see that each registering counter on each
 28 machine is set at zero, lock each machine so that the counting machinery cannot be
 29 operated, and seal each machine with a numbered seal. The superintendent or his or her
 30 agent shall adjust each machine to be used at a primary, so that the poll officers may lock
 31 it on primary day, in such a way that each elector can vote only for the candidates seeking
 32 nomination by the political party in whose primary he or she is then voting and so that no
 33 elector can vote for the candidates seeking nomination by any political party in whose
 34 primary he or she is not then voting.

1 (b) The superintendent shall appoint one custodian of voting machines and such deputy
2 custodians as may be necessary, whose duty it shall be to prepare the machines to be used
3 ~~in the county~~ at the primaries and elections to be held therein. Each custodian and deputy
4 custodian shall receive from the ~~county~~ or municipality such compensation as shall be fixed
5 by the governing authority of the ~~county~~ or municipality. Such custodian shall, under the
6 direction of the superintendent, have charge of and represent the superintendent during the
7 preparation of the voting machines as required by this chapter, and he or she and the deputy
8 custodians, whose duty it shall be to assist him or her in the discharge of his or her duties,
9 shall serve at the pleasure of the superintendent. Each custodian shall take an oath of
10 office framed by the Secretary of State, which shall be filed with the superintendent.

11 (c) On or before the twelfth day preceding a primary or election, including special
12 primaries, special elections, and referendum elections, the superintendent shall mail to the
13 foreperson of the grand jury, the chairperson of the county executive committee of each
14 political party which shall be entitled under existing laws to participate in primaries within
15 the county, and to the chairperson or presiding officer of any organization of citizens within
16 the county having as its purpose or among its purposes the investigation or prosecution of
17 primary and election frauds, which has registered its name and address and the names of
18 its principal officers with the superintendent at least 30 days before such primary or
19 election, and, in the case of an election, to the appropriate committee of each political body
20 which shall be entitled to have the names of its candidates entered on the voting machines,
21 and to each independent candidate who shall be entitled to have his or her name printed on
22 the voting machines, a written notice stating the times when and the place or places where
23 preparation of the machines for use in the several precincts ~~in the county~~ will be started.
24 The grand jury shall appoint a committee, consisting of three of its members, which shall
25 inspect the machines and see that the machines are properly prepared and are placed in
26 proper condition and order for use. In the event the committee of the grand jury fails to be
27 present, the superintendent shall immediately appoint a panel consisting of three electors
28 to perform the duties of the committee of the grand jury set forth in this Code section.
29 Further, one representative of each political party or body, certified by the chairperson of
30 such political party or body, and one representative of each aforementioned organization
31 of citizens, certified by the chairperson or presiding officer of such organization, and any
32 such independent candidate or his or her certified agent shall be entitled to be present
33 during the preparation of the machines and to see that the machines are properly prepared
34 and are placed in proper condition and order for use. Such committee of the grand jury,
35 representatives, or candidates shall not, however, interfere with the preparation of the
36 machines; and the superintendent may make such reasonable rules and regulations
37 concerning the conduct of such representatives and candidates.

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

7 (1) The identifying number or other designation of the voting machine;

8 (2) That each registering counter on the machine was set at zero;

9 (3) The number registered on the protective counter or other device of the machine; and

10 (4) The number on the seal with which the machine is sealed.

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

17 (f) In every primary or election, the superintendent shall furnish, at the expense of the
 18 ~~county or municipality,~~ all ballot labels, forms of certificates, and other papers and supplies
 19 which are required under this chapter and which are not furnished by the Secretary of State,
 20 all of which shall be in the form and according to the specifications prescribed from time
 21 to time by the Secretary of State. ~~In the case of a municipal primary,~~ ballot labels and other
 22 materials necessary for the preparation of the voting machines shall be furnished free of
 23 charge to the municipal superintendent by the political party conducting such primary."

24 SECTION 34.

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

28 "(a) ~~During the 30 days next preceding a general primary or election or during the ten days~~
 29 ~~next preceding a special primary or election, other than in the case of municipal primaries~~
 30 ~~and elections, and during the five days preceding a municipal general primary or election~~
 31 or during the three days preceding a municipal special primary or election, the
 32 superintendent shall place on public exhibition, in such public places and at such times as
 33 he or she may deem most suitable for the information and instruction of the electors, one
 34 or more voting machines containing the ballot labels and showing the offices and questions
 35 to be voted upon, the names and arrangements of parties and bodies, and, so far as
 36 practicable, the names and arrangements of the candidates to be voted for. Such machine

1 or machines shall be under the charge and care of a person competent as custodian and
 2 instructor. No voting machine which is to be assigned for use in a primary or election shall
 3 be used for such public exhibition and instruction after having been prepared and sealed
 4 for the primary or election."

5 SECTION 35.

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

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

14 SECTION 36.

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

18 "21-2-333.

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

25 SECTION 37.

26 Said chapter is further amended by striking subsections (b) and (d) of Code Section
 27 21-2-367, relating to installation of optical scanning voting systems, and inserting in lieu
 28 thereof new subsections (b) and (d) to read as follows:

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

32 "(d) The county or municipal governing authority, as appropriate, shall provide optical
 33 scanning voting systems in good working order and of sufficient capacity to accommodate
 34 the names of a reasonable number of candidates for all party offices and nominations and

1 public offices which, under the provisions of existing laws and party rules, are likely to be
2 voted for at any future primary or election."

3 **SECTION 38.**

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

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

12 **SECTION 39.**

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

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

1 immediately before the start of the official count of the ballots and at the conclusion of
 2 such count. Precinct tabulators shall produce a zero tape prior to any ballots being inserted
 3 on the day of any primary or election."

4 SECTION 40.

5 Said chapter is further amended by striking subsections (b) and (c) of Code Section
 6 21-2-379.6, relating to maintenance of DRE voting systems and supplies, and inserting in
 7 lieu thereof new subsections (b) and (c) to read as follows:

8 "(b) The superintendent may appoint, with the approval of the county or municipal
 9 governing authority, as appropriate, a custodian of the DRE units, and deputy custodians
 10 as may be necessary, whose duty shall be to prepare the units to be used in the county or
 11 municipality at the primaries and elections to be held therein. Each custodian and deputy
 12 custodian shall receive from the county or municipality such compensation as shall be fixed
 13 by the governing authority of the county or municipality. Such custodian shall, under the
 14 direction of the superintendent, have charge of and represent the superintendent during the
 15 preparation of the units as required by this chapter. The custodian and deputy custodians
 16 shall serve at the pleasure of the superintendent. Each custodian shall take an oath of office
 17 prepared by the Secretary of State before each primary or election which shall be filed with
 18 the superintendent.

19 (c) On or before the third day preceding a primary or election, including special primaries,
 20 special elections, and referendum elections, the superintendent shall have each DRE unit
 21 tested to ascertain that it will correctly count the votes cast for all offices and on all
 22 questions in a manner that the State Election Board shall prescribe by rule or regulation.
 23 On or before the third day preceding a primary runoff or election runoff, including special
 24 primary runoffs and special election runoffs, the superintendent shall test a number of DRE
 25 units at random to ascertain that the units will correctly count the votes cast for all offices.
 26 If the total number of DRE units in the county or municipality is 30 units or less, all of the
 27 units shall be tested. If the total number of DRE units in the county or municipality is more
 28 than 30 but not more than 100, then at least one-half of the units shall be tested at random.
 29 If there are more than 100 DRE units in the county or municipality, the superintendent shall
 30 test at least 15 percent of the units at random. In no event shall the superintendent test less
 31 than one DRE unit per precinct. All memory cards to be used in the runoff shall be tested.
 32 Public notice of the time and place of the test shall be made at least five days prior thereto;
 33 provided, however, that, in the case of a runoff, the public notice shall be made at least
 34 three days prior thereto. Representatives of political parties and bodies, news media, and
 35 the public shall be permitted to observe such tests."

SECTION 41.

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

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

I, the undersigned, do swear (or affirm) that I am a citizen of the United States and of the State of Georgia; that my residence address is _____ County, Georgia; that I possess the qualifications of an elector required by the laws of the State of Georgia; that I am entitled to vote in the precinct containing my residence in the primary or election in which this ballot is to be cast; that I am eligible to vote by absentee ballot; that I have not marked or mailed any other absentee ballot, nor will I mark or mail another absentee ballot for voting in such primary or election; nor shall I vote therein in person; and that I have read and understand the instructions accompanying this ballot; and that I have carefully complied with such instructions in completing this ballot. I understand that the offer or acceptance of money or any other object of value to vote for any particular candidate, list of candidates, issue, or list of issues included in this election constitutes an act of voter fraud and is a felony under Georgia law.

Elector's Residence
Address

~~Elector's Place of Birth~~

Month and Day of
Elector's Birth

Signature or Mark of Elector

Oath of Person Assisting Elector (if any):

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

This, the _____ day of _____.

Signature of Person Assisting
Elector -- Relationship

Reason for assistance (Check appropriate square):

() Elector is unable to read the English language.

() Elector has following physical disability _____.

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

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

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

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

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

SECTION 42.

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

"(e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall open the envelopes and write 'Challenged,' the elector's name, and the alleged cause of challenge on the back of the ballot, without disclosing the markings on the face thereof, and shall deposit the ballot in the box; and it shall be counted as other challenged ballots are counted. ~~In the case of absentee votes cast on direct recording electronic voting systems, the ballots shall be coded in such a way that the ballot of a challenged voter can be separated from other valid ballots at the time of tabulation and the challenged ballots shall be counted or rejected in accordance with Code Section 21-2-230. Where direct recording electronic voting systems are used for absentee balloting and a challenge to an elector's~~

1 right to vote is made prior to the time that the elector votes, the elector shall vote on a paper
 2 or optical scanning ballot and such ballot shall be handled as provided in this subsection.
 3 The board of registrars or absentee ballot clerk shall promptly notify the elector of such
 4 challenge."

5 **SECTION 43.**

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

9 "21-2-387.

10 ~~Whenever it shall be made to appear by due proof to the managers that an absentee elector~~
 11 ~~who has marked and forwarded or delivered his or her ballot as provided in this article has~~
 12 ~~died prior to the opening of the polls on the day of the primary or election, the ballot of~~
 13 ~~such deceased elector shall be returned by the managers in the same manner as provided~~
 14 ~~for rejected ballots~~ Reserved."

15 **SECTION 44.**

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

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

28 **SECTION 45.**

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

32 "(a)(1) In a primary or run-off primary, each candidate entitled to have his or her name
 33 placed on the primary or run-off primary ballot may submit the name of one poll watcher
 34 for each precinct in which he or she wishes to have an observer to the chairperson or

1 secretary of the appropriate party executive committee at least 21 days prior to such
 2 primary or 14 days prior to such run-off primary. The appropriate party executive
 3 committee shall designate at least seven days prior to such primary or run-off primary no
 4 more than two poll watchers for each precinct, such poll watchers to be selected by the
 5 committee from the list submitted by party candidates. Official poll watchers shall be
 6 given a letter signed by the party chairperson and secretary, if designated by a political
 7 party, containing the following information: name of official poll watcher, address,
 8 precinct in which he or she shall serve, and name and date of primary or run-off primary.
 9 At least three days prior to the primary, a copy of the letter shall be delivered to the
 10 superintendent of the county or municipality in which the poll watcher is to serve.

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

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

1 prior to the election, a copy of the letter shall be delivered to the superintendent of the
2 county or municipality in which the poll watcher is to serve.

3 (2) In an election or run-off election, each political party and political body, which body
4 is registered pursuant to Code Section 21-2-110 and has nominated a candidate for
5 state-wide office, shall additionally be entitled to designate, at least 14 days prior to such
6 election or run-off election, no more than ~~five~~ 25 official state-wide poll watchers to be
7 selected by the appropriate party or body executive committee. Each independent
8 candidate shall also be entitled to designate ~~five~~ no more than 25 official state-wide poll
9 watchers. In addition, candidates running in a state-wide nonpartisan election shall be
10 entitled to designate ~~five~~ no more than 25 official state-wide poll watchers. All such
11 designations of state-wide poll watchers shall be in writing and made and submitted to
12 the State Election Board. A state-wide poll watcher shall have the same powers and
13 duties as poll watchers and shall be entitled to watch the polls in any precinct in the state
14 but shall otherwise be subject to all limitations and prohibitions placed on poll watchers;
15 provided, however, that no more than two state-wide poll watchers of a political party or
16 body, of an independent candidate, or of a nonpartisan candidate shall be in the same
17 polling place simultaneously. Each state-wide poll watcher shall be given a letter signed
18 by the chairperson of the State Election Board. Such letter shall contain the following
19 information: name of official state-wide poll watcher, address, a statement that such poll
20 watcher is a state-wide poll watcher, and date of election or run-off election. At least
21 three days prior to the election, a copy of the letter shall be delivered to the
22 superintendent of each county in which the poll watcher might serve.

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

1 prior to the beginning of the advance voting period for such election, a copy of the letter
 2 shall be delivered to the superintendent and the chief registrar of the county or
 3 municipality in which the poll watcher is to serve.

4 (B) In an election or run-off election, each political party and political body, which
 5 body is registered pursuant to Code Section 21-2-110 and has nominated a candidate
 6 for state-wide office, shall additionally be entitled to designate, at least 14 days prior
 7 to the beginning of the advance voting period for such election or run-off election, no
 8 more than 25 official state-wide poll watchers for such advance voting period to be
 9 selected by the appropriate party or body executive committee. Each independent
 10 candidate shall also be entitled to designate no more than 25 official state-wide poll
 11 watchers for such advance voting period. In addition, candidates running in a
 12 state-wide nonpartisan election shall be entitled to designate no more than 25 official
 13 state-wide poll watchers for such advance voting period. All such designations of
 14 state-wide poll watchers shall be in writing and made and submitted to the State
 15 Election Board. A state-wide poll watcher shall have the same powers and duties as
 16 poll watchers and shall be entitled to watch any advance voting location in the state but
 17 shall otherwise be subject to all limitations and prohibitions placed on poll watchers;
 18 provided, however, that no more than two state-wide poll watchers of a political party
 19 or body, of an independent candidate, or of a nonpartisan candidate shall be in an
 20 advance voting location simultaneously. Each state-wide poll watcher shall be given
 21 a letter signed by the chairperson of the State Election Board. Such letter shall contain
 22 the following information: name of official state-wide poll watcher, address, a
 23 statement that such poll watcher is a state-wide poll watcher for advance voting, and
 24 date of election or run-off election. At least three days prior to the beginning of the
 25 advance voting period for such election, a copy of the letter shall be delivered to the
 26 superintendent and chief registrar of each county in which the poll watcher might
 27 serve."

28 **SECTION 46.**

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

33 "(c) No person shall solicit votes in any manner or by any means or method, nor shall any
 34 person distribute any campaign literature, newspaper, booklet, pamphlet, card, sign, or any
 35 other written or printed matter of any kind, nor shall any person conduct any exit poll or
 36 public opinion poll with voters within a room under the control or supervision of the

1 registrars or absentee ballot clerk in which absentee ballots are being cast on any day or
 2 within 150 feet of any elector waiting to cast an absentee ballot pursuant to subsection (b)
 3 of Code Section 21-2-380. No campaign literature, booklet, pamphlet, card, sign, or other
 4 written or printed matter shall be displayed in any building containing a room under the
 5 control or supervision of the registrars or absentee ballot clerk in which absentee ballots
 6 are cast during the period when absentee ballots are available for voting. These restrictions
 7 shall not apply to conduct occurring in private offices or areas which cannot be seen or
 8 heard by such electors.

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

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

14 **SECTION 47.**

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

17 "21-2-418.

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

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

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

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

8 (e) The registrars shall establish a free access system, such as a toll-free telephone number
 9 or Internet website, by which any elector who casts a provisional ballot in a primary or
 10 election, or runoff of either, in which federal candidates are on the ballot may ascertain
 11 whether such ballot was counted and, if such ballot was not counted, the reason why such
 12 ballot was not counted. The registrars shall establish and maintain reasonable procedures
 13 necessary to protect the security, confidentiality, and integrity of personal information
 14 collected, stored, or otherwise used by such free access system. Access to such information
 15 about an individual provisional ballot shall be restricted to the elector who cast such ballot.

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

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

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

32 SECTION 48.

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

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

15 **SECTION 49.**

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

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

26 (2) The managers, before opening the envelope containing the keys which unlock the
 27 operating mechanism and registering counters or counter compartment of the voting
 28 machine, shall examine the number of the seal on the machine and the number registered
 29 on the protective counter or device and shall see whether they are the same as the
 30 numbers written on the envelope containing the keys. If either number shall be found not
 31 to agree, the envelope shall remain unopened until the poll officers shall have notified the
 32 proper custodian of voting machines; or the superintendent and until the custodian or
 33 some other person authorized by the superintendent shall have presented himself or
 34 herself at the polling place for the purpose of reexamining the machine and shall have
 35 certified that it is properly arranged. But, if the numbers on the seal and the protective
 36 counter or device shall both be found to agree with the numbers on the envelope, the

1 envelope shall be opened, and where the voting machine provided is not equipped with
 2 a mechanism for printing paper proof sheets, the poll officers shall examine the
 3 registering counters and, for that purpose, shall open the doors concealing such counter,
 4 if the construction of the voting machine shall so require; and, before the polls are
 5 opened, each manager shall carefully examine every counter and shall see that it registers
 6 zero. When the voting machine provided is equipped with a mechanism for printing
 7 paper proof sheets and requires the simultaneous use of three keys to unlock the
 8 registering counters or counter compartment, the chief manager shall deliver one of the
 9 two keys to an assistant manager, to be retained by him or her, and shall then print at least
 10 two proof sheets, one of which each manager shall carefully examine to ascertain whether
 11 every counter registers zero and shall then preserve such proof sheets to be signed by
 12 them and returned to the superintendent, with the duplicate return sheet, and shall sign
 13 and post the other proof sheet upon the wall of the polling place, where it shall remain
 14 until the polls are closed. The key delivered by the chief manager to such assistant
 15 manager, as provided in this subsection, shall be retained by him or her until the polls
 16 have been closed; and the voting and counting mechanism of the machine shall have been
 17 locked and sealed against voting and shall then be returned to the chief manager, for
 18 return by him or her to the superintendent, as provided in this part."

19 **SECTION 50.**

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

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

34 **SECTION 51.**

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

1 "21-2-603.
2 A person commits the offense of conspiracy to commit election fraud when he or she
3 conspires or agrees with another to commit a violation of this chapter. The crime shall be
4 complete when the conspiracy or agreement is effected and an overt act in furtherance
5 thereof has been committed, regardless of whether the violation of this chapter is
6 consummated. A person convicted of the offense of conspiracy to commit election fraud
7 involving a violation of this chapter which is a felony shall be punished by imprisonment
8 for not less than one year nor more than one-half the maximum period of time for which
9 he or she could have been sentenced if he or she had been convicted of the crime conspired
10 to have been committed, by one-half the maximum fine to which he or she could have been
11 subjected if he or she had been convicted of such crime, or both. A person convicted of the
12 offense of conspiracy to commit election fraud involving a violation of this chapter which
13 is a misdemeanor shall be punished as for a misdemeanor."

14 **SECTION 52.**

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

17 **SECTION 53.**

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