

The House Committee on Governmental Affairs offers the following substitute to HB 597:

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 a definition;
3 to provide for the enforcement of the chapter by the State Election Board; to provide that
4 vacancies in party nomination caused by the withdrawal of the candidate shall not be filled
5 under certain circumstances; to provide for the voting of absentee ballots by mail without a
6 reason; to remove certain limitations on the distribution of absentee ballot applications by
7 certain organizations; to provide for the processing of such absentee ballot applications; to
8 provide that the political affiliation of candidates in special elections shall be shown on the
9 ballot; to provide that a candidate must receive a majority of the votes cast to be elected to
10 office; to provide that nonpartisan elections shall be held in conjunction with the November
11 general election; to provide for qualifying for such nonpartisan election; to provide for
12 certain procedures concerning write-in candidates; to provide that electors must present
13 proper identification when registering to vote or, if registering to vote for the first time in this
14 state by mail, prior to voting; to provide for a state write-in absentee ballot for certain
15 electors; to provide procedures for use of such ballot; to provide when absentee ballots must
16 be available; to provide that no absentee ballot shall be issued on the day prior to a primary
17 or election; to provide that certain absentee ballots that are postmarked by the date of the
18 runoff may be received by the registrars up to three days after the runoff; to provide for the
19 types of identification that must be presented in order to register and to vote; to change the
20 date of certain runoff primaries and elections; to provide for related matters; to provide for
21 severability; to repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 **SECTION 1.**

24 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
25 elections generally, is amended by striking paragraphs (22) and (37) of Code Section 21-2-2,
26 relating to definitions, and inserting in lieu thereof new paragraphs (22) and (37) to read as
27 follows:

H. B. 597 (SUB)

1 "(22) '~~Plurality~~' means the receiving by one candidate alone of the highest number of
 2 votes cast for eligible candidates in an election among the candidates for the same office,
 3 provided that such number of votes exceeds 45 percent of the total number of votes cast
 4 in such election for such office. In the case where two or more persons tie in receiving
 5 the highest number of votes or no candidate receives more than 45 percent of the total
 6 votes cast for eligible candidates in the election for the office sought there is no plurality
 7 Reserved."

8 "(37) Reserved 'Violator' means any individual, partnership, committee, association,
 9 corporation, limited liability company, limited liability partnership, professional
 10 corporation, trust, enterprise, franchise, joint venture, political party, political body,
 11 candidate, campaign committee, political action committee or any other political
 12 committee or business entity, or any governing authority that violates any provision of
 13 this chapter."

14 SECTION 1A.

15 Said chapter is further amended by striking Code Section 21-2-33.1, relating to the
 16 enforcement of the chapter, and inserting in lieu thereof a new Code Section 21-2-33.1 to
 17 read as follows:

18 "21-2-33.1.

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

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

24 (2) To pay a civil penalty not to exceed \$5,000.00 for each violation of this chapter or
 25 for each failure to comply with any provision of this chapter or of any rule or regulation
 26 promulgated under this chapter. Such penalty may be assessed against ~~an individual, a~~
 27 ~~governing authority which employs or compensates an individual, or both,~~ any violator
 28 as the State Election Board deems appropriate;

29 (3) To publicly reprimand ~~an individual or governing authority~~ any violator found to
 30 have committed a violation;

31 (4) To require that restitution be paid by any violator to a state, county, or city governing
 32 authority when it has suffered a monetary loss or damage as the result of a violation;

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

34 (6) To assess investigative costs incurred by the board against ~~an individual or the~~
 35 ~~governing authority which employs or compensates an individual~~ any violator found to
 36 have committed a violation.

1 (b) A civil penalty shall not be assessed against any ~~person~~ violator except after notice and
 2 hearing as provided by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'
 3 In addition to the State Election Board, any contested case may be held before any
 4 representative of such board who has been selected and appointed by such board for such
 5 purpose. The amount of any civil penalty finally assessed shall be recoverable by a civil
 6 action brought in the name of the State Election Board. All moneys recovered pursuant to
 7 this Code section shall be deposited in the state treasury.

8 (c) The Attorney General of this state shall, upon complaint by the State Election Board,
 9 or may, upon the Attorney General's own initiative if after examination of the complaint
 10 and evidence the Attorney General believes a violation has occurred, bring an action in the
 11 superior court in the name of the State Election Board for a temporary restraining order or
 12 other injunctive relief or for civil penalties assessed against any ~~person violating~~ violator
 13 of any provision of this chapter or any rule or regulation duly issued by the State Election
 14 Board.

15 (d) Any action brought by the Attorney General to enforce civil penalties assessed against
 16 any ~~person for violating the provisions~~ any violator of this chapter or any rule or regulation
 17 duly issued by the State Election Board or any order issued by the State Election Board
 18 ordering compliance or to cease and desist from further violations shall be brought in the
 19 superior court of the county of the residence of the party against whom relief is sought.
 20 Service of process shall lie in any jurisdiction within the state. In such actions, the superior
 21 court inquiry will be limited to whether notice was given by the State Election Board to the
 22 violator in compliance with the Constitution and the rules of procedure of Chapter 13 of
 23 Title 50, the 'Georgia Administrative Procedure Act.' Upon satisfaction that notice was
 24 given and a hearing was held pursuant to Chapter 13 of Title 50, the 'Georgia
 25 Administrative Procedure Act,' the superior court shall enforce the orders of the State
 26 Election Board and the civil penalties assessed under this chapter and the superior court
 27 shall not make independent inquiry as to whether the violations have occurred.

28 (e) In any action brought by the Attorney General to enforce any of the provisions of this
 29 chapter or of any rule or regulation issued by the State Election Board, the judgment, if in
 30 favor of the State Election Board, shall provide that the defendant pay to the State Election
 31 Board the costs, including reasonable attorneys' fees, incurred by the State Election Board
 32 in the prosecution of such action."

33 SECTION 2.

34 Said chapter is further amended by striking subsections (c), (d), and (i) of Code Section
 35 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit, and
 36 inserting in lieu thereof new subsections (c), (d), and (i) to read as follows:

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

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

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

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

28 (1) Each candidate for federal or state office, or his or her agent, desiring to have his or
 29 her name placed on the election ballot shall file a notice of his or her candidacy, giving
 30 his or her name, residence address, and the office he or she is seeking, in the office of the
 31 Secretary of State no earlier than 9:00 A.M. on the fourth Monday in June immediately
 32 prior to the election and no later than 12:00 Noon on the Friday following the fourth
 33 Monday in June in the case of a general election and no earlier than the date of the call
 34 of the election and no later than 25 days prior to the election in the case of a special
 35 election;

36 (2) Each candidate for a county office, ~~including those offices which on July 1, 2001,~~
 37 ~~were covered by local Acts of the General Assembly which provided for election in a~~

1 ~~nonpartisan election without a prior nonpartisan primary~~, or his or her agent, desiring to
 2 have his or her name placed on the election ballot shall file notice of his or her candidacy
 3 in the office of the superintendent of his or her county no earlier than 9:00 A.M. on the
 4 fourth Monday in June immediately prior to the election and no later than 12:00 Noon on
 5 the Friday following the fourth Monday in June in the case of a general election and no
 6 earlier than the date of the call of the election and no later than 25 days prior to the
 7 election in the case of a special election;

8 (3) Each candidate for municipal office or a designee shall file a notice of candidacy in
 9 the office of the municipal superintendent of such candidate's municipality during the
 10 municipality's qualifying period. Each municipal superintendent shall designate the days
 11 of the qualifying period, which shall be no less than three days and no more than five
 12 days. The days of the qualifying period shall be consecutive days. Qualifying periods
 13 shall comply with the following:

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

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

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

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

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

36 (1) All candidates seeking election in a nonpartisan election shall file their notice of
 37 candidacy and pay the prescribed qualifying fee by the date prescribed in this paragraph

1 in order to be eligible to have their names placed on the nonpartisan election ballot by the
 2 Secretary of State or election superintendent, as the case may be, in the following
 3 manner:

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

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

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

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

31 (B) Each candidate for a county office, ~~including those offices which on July 1, 2001,~~
 32 ~~were covered by local Acts of the General Assembly which provided for election in a~~
 33 ~~nonpartisan election without a prior nonpartisan primary~~, or his or her agent, desiring
 34 to have his or her name placed on the general election ballot shall file notice of his or
 35 her candidacy in the office of the superintendent of his or her county no earlier than
 36 9:00 A.M. on the last Monday in July immediately prior to the election and no later
 37 than 12:00 Noon on the Friday following the last Monday in July; and

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

5 SECTION 3.

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

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

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

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

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

SECTION 3A.

Said chapter is further amended by striking paragraph (1) of subsection (a) and paragraph (3) of subsection (b) of Code Section 21-2-134, relating to withdrawal, death, or disqualification of candidate for office, and inserting in lieu thereof a new paragraph (1) of subsection (a) and paragraph (3) of subsection (b) to read as follows:

"(1) A candidate nominated at any primary election or nominated by means other than a primary may withdraw as a candidate at the ensuing general election by filing a notarized affidavit of withdrawal with the Secretary of State, if nominated for a state office; the county superintendent, if nominated for a county office; or the municipal superintendent, if nominated for a municipal office. The qualifying fee shall not be returned to the candidate. If the ballots have been printed, the Secretary of State or the county or municipal superintendent may reprint the ballots to omit the name of the withdrawn candidate. All votes cast for the withdrawn candidate shall be void and shall not be counted. Prominent notices shall be posted in all polling places in which the name of the withdrawn candidate appears on the ballot stating that the candidate has withdrawn and that all votes cast for such withdrawn candidate shall be void and shall not be counted. ~~No~~ Except as provided in paragraph (3) of subsection (b) of this Code section, no vacancy on the ballot for a general election or for a nonpartisan election shall be filled except by reason of the withdrawal, death, or disqualification of a candidate."

"(3) Any vacancy which occurs in any party nomination filled by a primary and which is created by reason of the withdrawal of a candidate less than 60 days prior to the date of the election shall not be filled ~~in the same manner as provided in subparagraph (A), (B), (C), or (D) of paragraph (1) of this subsection, as appropriate.~~ The qualifying fee shall not be returned to the candidate. If the ballots have been printed, the Secretary of State or the county or municipal superintendent may reprint the ballots to omit the name of the withdrawn candidate. All votes cast for the withdrawn candidate shall be void and shall not be counted. Prominent notices shall be posted in all polling places in which the name of the withdrawn candidate appears on the ballot stating that the candidate has withdrawn and that all votes cast for such withdrawn candidate shall be void and shall not be counted."

SECTION 4.

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

1 "21-2-138.
 2 The names of all candidates who have qualified with the Secretary of State for the office
 3 of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court
 4 of this state and the names of all candidates who have qualified with the election
 5 superintendent for the office of judge of a state court shall be placed on the ballot in a
 6 nonpartisan election to be held and conducted jointly with the general primary election in
 7 each even-numbered year; ~~provided that nonpartisan elections for the office of judge of the~~
 8 ~~state court which was covered on July 1, 2001, by a local Act of the General Assembly~~
 9 ~~which provided for election in a nonpartisan election without a prior nonpartisan primary~~
 10 ~~shall be held and conducted jointly with the general election in even-numbered years.~~ No
 11 candidates for any such office shall be nominated by a political party or by a petition as a
 12 candidate of a political body or as an independent candidate. Candidates for any such
 13 office, ~~except offices which were covered on July 1, 2001, by a local Act of the General~~
 14 ~~Assembly which provided for election in a nonpartisan election without a prior nonpartisan~~
 15 ~~primary~~, shall have their names placed on the nonpartisan portion of each ~~political party~~
 16 ballot by complying with the requirements prescribed in Code Section 21-2-132
 17 specifically related to such nonpartisan candidates and by paying the requisite qualifying
 18 fees as prescribed in Code Section 21-2-131. ~~The Secretary of State may provide for the~~
 19 ~~printing of independent ballots containing the names of the nonpartisan candidates for~~
 20 ~~those voters not affiliated with a political party.~~ Candidates shall be listed on the official
 21 ballot in a nonpartisan election as provided in Code Sections 21-2-284.1 and 21-2-285.1,
 22 respectively. Except as otherwise specified in this chapter, the procedures to be employed
 23 in conducting the nonpartisan election of judges of state courts, judges of superior courts,
 24 Judges of the Court of Appeals, and Justices of the Supreme Court shall conform as nearly
 25 as practicable to the procedures governing ~~general primaries and~~ general elections; and
 26 such ~~general primary and~~ general election procedures as are necessary to complete this
 27 nonpartisan election process shall be adopted in a manner consistent with such nonpartisan
 28 elections."

29 **SECTION 5.**

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

33 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General
 34 Assembly may provide by local Act for the election in nonpartisan elections of candidates
 35 to fill county judicial offices, offices of local school boards, and offices of consolidated
 36 governments which are filled by the vote of the electors of said county or political

1 subdivision. Except as otherwise provided in this Code section, the procedures to be
 2 employed in such nonpartisan elections shall conform as nearly as practicable to the
 3 procedures governing nonpartisan elections as provided in this chapter. Except as
 4 otherwise provided in this Code section, the election procedures established by any existing
 5 local law which provides for the nonpartisan election of candidates to fill county offices
 6 shall conform to the general procedures governing nonpartisan elections as provided in this
 7 chapter, and such nonpartisan elections shall be conducted in accordance with the
 8 applicable provisions of this chapter, notwithstanding the provisions of any existing local
 9 law. For those offices for which the General Assembly ~~as of July 1, 2001~~, pursuant to this
 10 Code section, provided by local Act for election in nonpartisan primaries and elections,
 11 such offices shall no longer require nonpartisan primaries. Such officers shall be elected
 12 in nonpartisan elections held and conducted in conjunction with the November general
 13 primary election in accordance with this chapter without a prior nonpartisan primary. For
 14 ~~those offices for which the General Assembly as of July 1, 2001, provided by local Act for~~
 15 ~~election in a nonpartisan election without a prior nonpartisan primary, such offices shall~~
 16 ~~be elected in nonpartisan elections held and conducted in conjunction with the November~~
 17 ~~general election without a prior nonpartisan primary.~~ Nonpartisan elections for municipal
 18 offices shall be conducted on the dates provided in the municipal charter."

19 SECTION 6.

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

23 "(b) The primary held for such purposes shall be conducted by the superintendent in the
 24 same manner as prescribed by law and by rules and regulations of the State Election Board
 25 and the superintendent for general elections. Primaries of all political parties ~~and all~~
 26 ~~nonpartisan elections for nonpartisan offices other than those offices which were covered~~
 27 ~~on July 1, 2001, by a local Act of the General Assembly which provided for election in a~~
 28 ~~nonpartisan election without a prior nonpartisan primary shall be conducted jointly."~~

29 SECTION 7.

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

33 "(c) Except as otherwise provided in this subsection, electors who register to vote for the
 34 first time in this state in person must present one of the forms of current and valid
 35 identification containing a photograph of the elector specified in subsection (a) of Code

1 Section 21-2-417. Electors who register to vote for the first time in this state by mail must
 2 present current and valid identification either when registering to vote by mail or when
 3 voting for the first time after registering to vote by mail. The current and valid
 4 identification shall be one or more of those forms of identification provided in Code
 5 Section 21-2-417 or a legible copy thereof. The registrars shall make copies of any original
 6 forms of identification submitted by applicants and return the originals to the applicants.
 7 The requirement to submit identification shall not apply to:

8 ~~(1) Persons who submit identifying information with their applications that the registrars~~
 9 ~~are able to match to information contained on a state database available to such registrars~~
 10 ~~containing the same number, name, and date of birth as contained in the application;~~

11 ~~(2)~~ (1) Persons who are entitled to vote by absentee ballot under the federal Uniformed
 12 and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq.; or

13 ~~(3)~~ (2) Persons who are entitled to vote otherwise than in person under any other federal
 14 law.

15 (d) If an applicant fails to provide all of the required information on the application for
 16 voter registration with the exception of current and valid identification as provided in
 17 subsection (a) of Code Section 21-2-417, the board of registrars shall notify the registrant
 18 in writing of the missing information. The board of registrars shall not determine the
 19 eligibility of the applicant until and unless all required information is supplied by the
 20 applicant. If the initial application is received prior to the close of voter registration prior
 21 to an election, if the applicant supplies the necessary information on or prior to the date of
 22 the election, and if the applicant is found eligible to vote, the applicant shall be added to
 23 the list of electors and shall be permitted to vote in the election and any run-off elections
 24 resulting therefrom and subsequent elections; provided, however, that voters who
 25 registered to vote for the first time in this state by mail must supply current and valid
 26 identification when voting for the first time as required in subsection (c) of this Code
 27 section. In the event the elector does not respond to the request for the missing information
 28 within 30 days, the application shall be rejected."

29 SECTION 8.

30 Said chapter is further amended by striking Code Section 21-2-284.1, relating to the form of
 31 the ballot in nonpartisan elections, and inserting in lieu thereof a new Code Section
 32 21-2-284.1 to read as follows:

33 "21-2-284.1.

34 ~~(a) The names of all candidates seeking election in a nonpartisan election conducted in~~
 35 ~~conjunction with a partisan primary shall be printed on the ballot of each political party;~~
 36 ~~and insofar as practicable such offices to be filled in a nonpartisan election shall be~~

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

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

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

31 'OFFICIAL NONPARTISAN PRIMARY BALLOT OF

32 _____
 33 (Name of Municipality)';

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

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

3 **SECTION 9.**

4 Said chapter is further amended by striking Code Section 21-2-285.1, relating to the form of
 5 the ballot in nonpartisan elections, and inserting in lieu thereof a new Code Section
 6 21-2-285.1 to read as follows:

7 "21-2-285.1.

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

1 mailing address of the elector as recorded on the elector's voter registration record or
2 a temporary out-of-county or out-of-municipality address.

3 (E) Relatives applying for absentee ballots for electors must also sign an oath stating
4 that facts in the application are true.

5 (F) If the elector is unable to fill out or sign such elector's own application because of
6 illiteracy or physical disability, the elector shall make such elector's mark, and the
7 person filling in the rest of the application shall sign such person's name below it as a
8 witness.

9 (G) One timely and proper application for an absentee ballot for use in a primary or
10 election shall be sufficient to require the mailing of the absentee ballot for such primary
11 or election as well as for any runoffs resulting therefrom and for all primaries and
12 elections for federal offices and any runoffs therefrom, including presidential
13 preference primaries, held during the period beginning upon the receipt of such
14 absentee ballot application and extending through the second regularly scheduled
15 general election in which federal candidates are on the ballot occurring thereafter to an
16 eligible absentee elector who lives outside the county or municipality in which the
17 election is held and is also a member of the armed forces of the United States, a
18 member of the merchant marine of the United States, or a spouse or dependent of a
19 member of the armed forces or the merchant marine residing with or accompanying
20 said member or overseas citizen.

21 (H) Any elector meeting criteria of advanced age or disability specified by rule or
22 regulation of the Secretary of State may request in writing on one application a ballot
23 for a primary as well as for any runoffs resulting therefrom and for the election for
24 which such primary shall nominate candidates as well as any runoffs resulting
25 therefrom. If not so requested by such person a separate and distinct application shall
26 be required for each primary, run-off primary, election, and run-off election. Except
27 as otherwise provided in this paragraph, a separate and distinct application for an
28 absentee ballot shall always be required for the presidential preference primary held
29 pursuant to Article 5 of this chapter and for any special election or special primary.

30 (2) A properly executed registration card submitted under the provisions of
31 subsection (b) of Code Section 21-2-219, if submitted within 180 days of a primary or
32 election in which the registrant is entitled to vote, shall be considered to be an application
33 for an absentee ballot under this Code section, or for a special absentee ballot under Code
34 Section 21-2-381.1, as appropriate.

35 (3) All applications for an official absentee ballot that are distributed by a person, entity,
36 or organization shall list thereon all of the legally acceptable categories of absentee
37 electors contained in Code Section 21-2-380 and shall require the elector to select the

1 category which qualifies the elector to vote by absentee ballot, if applicable. No
 2 application for an official absentee ballot that is physically attached to a publication that
 3 advocates for or against a particular candidate, issue, political party, or political body
 4 shall be distributed by any person, entity, or organization. Such applications, if properly
 5 completed by the elector or other authorized person and returned to the registrar or
 6 absentee ballot clerk, as appropriate, shall be processed by the registrar or absentee ballot
 7 clerk and, if the elector is found to be qualified, an absentee ballot shall be mailed or
 8 delivered in the office of the registrar or absentee ballot clerk to such elector.

9 (b)(1) Upon receipt of a timely application, a registrar or absentee ballot clerk shall enter
 10 thereon the date received and shall determine if the applicant is eligible to vote in the
 11 primary or election involved. In order to be found eligible to vote an absentee ballot in
 12 person at the registrar's office or absentee ballot clerk's office, such person shall show
 13 one of the forms of identification listed in Code Section 21-2-417.

14 (2) If found eligible, the registrar or absentee ballot clerk shall certify by signing in the
 15 proper place on the application and shall either mail the ballot as provided in this Code
 16 section or issue the ballot to the elector to be voted within the confines of the registrar's
 17 or absentee ballot clerk's office or deliver the ballot in person to the elector if such elector
 18 is confined to a hospital.

19 (3) If found ineligible, the clerk or the board of registrars shall deny the application by
 20 writing the reason for rejection in the proper space on the application and shall promptly
 21 notify the applicant in writing of the ground of ineligibility, a copy of which notification
 22 should be retained on file in the office of the board of registrars or absentee ballot clerk
 23 for at least one year.

24 (4) If the registrar or clerk is unable to determine the identity of the elector from
 25 information given on the application, the registrar or clerk should promptly write to
 26 request additional information.

27 (5) In the case of an unregistered applicant who is eligible to register to vote, the clerk
 28 or the board shall immediately mail a blank registration card as provided by Code Section
 29 21-2-223, and such applicant, if otherwise qualified, shall be deemed eligible to vote by
 30 absentee ballot in such primary or election, if the registration card, properly completed,
 31 is returned to the clerk or the board on or before the last day for registering to vote in
 32 such primary or election. If the closing date for registration in the primary or election
 33 concerned has not passed, the clerk or registrar shall also mail a ballot to the applicant,
 34 as soon as it is prepared and available; and the ballot shall be cast in such primary or
 35 election if returned to the clerk or board not later than the close of the polls on the day of
 36 the primary or election concerned.

1 (c) In those counties or municipalities in which the absentee ballot clerk or board of
 2 registrars provides application forms for absentee ballots, the clerk or board shall provide
 3 such quantity of the application form to the dean of each college or university located in
 4 that county as said dean determines necessary for the students of such college or university.

5 (d)(1) A citizen of the United States permanently residing outside the United States is
 6 entitled to make application for an absentee ballot from Georgia and to vote by absentee
 7 ballot in any election for presidential electors and United States senator or representative
 8 in Congress:

9 (A) If such citizen was last domiciled in Georgia immediately before his or her
 10 departure from the United States; and

11 (B) If such citizen could have met all qualifications, except any qualification relating
 12 to minimum voting age, to vote in federal elections even though, while residing outside
 13 the United States, he or she does not have a place of abode or other address in Georgia.

14 (2) An individual is entitled to make application for an absentee ballot under
 15 paragraph (1) of this subsection even if such individual's intent to return to Georgia may
 16 be uncertain, as long as:

17 (A) He or she has complied with all applicable Georgia qualifications and requirements
 18 which are consistent with 42 U.S.C. Section 1973ff concerning absentee registration for
 19 and voting by absentee ballots;

20 (B) He or she does not maintain a domicile, is not registered to vote, and is not voting
 21 in any other state or election district of a state or territory or in any territory or
 22 possession of the United States; and

23 (C) He or she has a valid passport or card of identity and registration issued under the
 24 authority of the Secretary of State of the United States or, in lieu thereof, an alternative
 25 form of identification consistent with 42 U.S.C. Section 1973ff and applicable state
 26 requirements, if a citizen does not possess a valid passport or card of identity and
 27 registration.

28 (e) The Secretary of State is authorized to promulgate reasonable rules and regulations for
 29 the implementation of paragraph (1) of subsection (a) of this Code section. Said rules and
 30 regulations may include provisions for the limitation of opportunities for fraudulent
 31 application, including, but not limited to, comparison of voter registration records with
 32 death certificates."

33 SECTION 10.

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

- 1 "21-2-381.2.
- 2 (a) The Secretary of State shall design a state write-in absentee ballot for federal offices
3 and state offices that are voted upon on a state-wide basis for use in a primary runoff or
4 election runoff by an eligible absentee elector who lives outside the county or municipality
5 in which the election is held and who is:
- 6 (1) A member of the armed forces of the United States, a member of the merchant
7 marine of the United States, a member of the commissioned corps of the Public Health
8 Service or the National Oceanic and Atmospheric Administration, or a spouse or
9 dependent of such member residing with or accompanying said member; or
- 10 (2) A citizen of the United States residing outside the United States.
- 11 (b) Such state write-in absentee ballot shall be automatically included with any absentee
12 ballot sent to such eligible absentee electors for any general primary or general election.
13 No special request for such state write-in absentee ballot shall be required.
- 14 (c) The state write-in absentee ballot shall contain instructions for completing and
15 returning such ballot.
- 16 (d) The Secretary of State shall establish a website which such eligible absentee electors
17 may access to determine if there is a primary runoff or election runoff for a federal office
18 or a state office that is voted upon on a state-wide basis. The address of such website shall
19 be included in the instructions for voting such state write-in absentee ballot.
- 20 (e) The State Election Board may provide by rule or regulation for additional means of
21 transmitting the state write-in absentee ballot to eligible absentee electors including, but
22 not limited to, the use of facsimile transmissions and portable document format electronic
23 versions.
- 24 (f) The registrars shall send a regular absentee ballot to such eligible absentee electors in
25 accordance with Code Section 21-2-381. In the event that both the regular absentee ballot
26 and the state write-in absentee ballot are received by the registrars within the time period
27 for receiving absentee ballots, the regular absentee ballot shall be counted and the state
28 write-in absentee ballot shall be kept unopened in the same manner as absentee ballots that
29 are returned too late to be counted. Ballots for primary runoffs and election runoffs that
30 are postmarked by the date of the primary runoff or election runoff, if proper in all other
31 respects, shall be counted if received by the registrars within the three day period following
32 such primary runoff or election runoff."

33 SECTION 11.

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

1 closing of the polls on the day of the primary or election except as otherwise provided
2 in this subsection.

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

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

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

26 (E) All absentee ballots returned to the board or absentee ballot clerk after the closing
27 of the polls on the day of the primary or election shall be safely kept unopened by the
28 board or absentee ballot clerk and then transferred to the appropriate clerk for storage
29 for the period of time required for the preservation of ballots used at the primary or
30 election and shall then, without being opened, be destroyed in like manner as the used
31 ballots of the primary or election. The board of registrars or absentee ballot clerk shall
32 promptly notify the elector by first-class mail that the elector's ballot was returned too
33 late to be counted and that the elector will not receive credit for voting in the primary
34 or election. All such late absentee ballots shall be delivered to the appropriate clerk and
35 stored as provided in Code Section 21-2-390.

36 (F) Notwithstanding any provision of this chapter to the contrary, until the United
37 States Department of Defense notifies the Secretary of State that the Department of

1 Defense has implemented a system of expedited absentee voting for those electors
 2 covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by
 3 eligible absentee electors who reside outside the county or municipality in which the
 4 primary runoff or election runoff is held and are members of the armed forces of the
 5 United States, members of the merchant marine of the United States, spouses or
 6 dependents of members of the armed forces or merchant marine residing with or
 7 accompanying such members, or overseas citizens that are postmarked by the date of
 8 such primary, election, or runoff and are received within the three day period following
 9 such primary, election, or runoff, if proper in all other respects, shall be valid ballots
 10 and shall be counted and included in the certified election results."

11 SECTION 13.

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

15 "21-2-417.

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

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

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

24 (3) A valid United States passport;

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

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

30 ~~(6)~~ (5) A valid student identification card containing a photograph of the elector from
 31 any public or private college, university, or postgraduate technical or professional school
 32 located within the State of Georgia; or

33 ~~(7) A valid Georgia license to carry a pistol or revolver;~~

34 ~~(8) A valid pilot's license issued by the Federal Aviation Administration or other~~
 35 ~~authorized agency of the United States;~~

1 ~~(9) (6)~~ A valid United States military identification card containing a photograph of the
 2 elector;

3 ~~(10) A certified copy of the elector's birth certificate;~~

4 ~~(11) A valid social security card;~~

5 ~~(12) Certified naturalization documentation;~~

6 ~~(13) A certified copy of court records showing adoption, name, or sex change;~~

7 ~~(14) A current utility bill, or a legible copy thereof, showing the name and address of the~~
 8 ~~elector;~~

9 ~~(15) A bank statement, or a legible copy thereof, showing the name and address of the~~
 10 ~~elector;~~

11 ~~(16) A government check or paycheck, or a legible copy thereof, showing the name and~~
 12 ~~address of the elector; or~~

13 ~~(17) A government document, or a legible copy thereof, showing the name and address~~
 14 ~~of the elector.~~

15 (b) If an elector is unable to produce any of the items of identification listed in subsection
 16 (a) of this Code section, he or she shall sign a statement under oath in a form approved by
 17 the Secretary of State, separate and distinct from the elector's voter certificate, swearing
 18 or affirming that he or she is the person identified on the elector's voter certificate. Such
 19 person shall be allowed to vote without undue delay; provided, however, that an An elector
 20 who registered for the first time in this state by mail and did not provide one of the forms
 21 of identification set forth in subsection (a) of this Code section at the time of registration
 22 and who is voting for the first time may vote a provisional ballot pursuant to Code Section
 23 21-2-418 upon swearing or affirming that the elector is the person identified in the elector's
 24 voter certificate. Such provisional ballot shall only be counted if the registrars are able to
 25 verify current and valid photo identification of the elector as provided in subsection (a) of
 26 this Code section within the time period for verifying provisional ballots pursuant to Code
 27 Section 21-2-419. ~~Falsely swearing or affirming such statement under oath shall be~~
 28 ~~punishable as a felony, and the penalty shall be distinctly set forth on the face of the~~
 29 ~~statement."~~

30 SECTION 14.

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

34 "21-2-501.

35 (a) Except as otherwise provided in this Code section, no candidate shall be nominated for
 36 public office in any primary or special primary or elected to public office in any election

1 or special election unless such candidate shall have received a majority of the votes cast
 2 to fill such nomination or public office. In instances where no candidate receives a
 3 majority of the votes cast, a run-off primary, special primary runoff, run-off election, or
 4 special election runoff between the candidates receiving the two highest numbers of votes
 5 shall be held. Unless such date is postponed by a court order, such run-off primary, special
 6 primary runoff, run-off election, or special election runoff shall be held on the ~~twenty-first~~
 7 twenty-eighth day after the day of holding the preceding primary, special primary, election,
 8 or special election, provided that, unless postponed by court order, a runoff in the case of
 9 a special primary or special election shall be held ~~no sooner than the fourteenth day and no~~
 10 ~~later than the twenty-first~~ on the twenty-eighth day after the day of holding the preceding
 11 special primary or special election, ~~which run-off day shall be determined by the Secretary~~
 12 ~~of State in a runoff to fill a federal or state office or by the superintendent in a runoff to fill~~
 13 ~~a county or militia district office~~. If any candidate eligible to be in a runoff withdraws,
 14 dies, or is found to be ineligible, the remaining candidates receiving the two highest
 15 numbers of votes shall be the candidates in the runoff. The candidate receiving the highest
 16 number of the votes cast in such run-off primary, special primary runoff, run-off election,
 17 or special election runoff to fill the nomination or public office sought shall be declared the
 18 winner. The name of a write-in candidate eligible for election in a runoff shall be printed
 19 on the election or special election run-off ballot in the independent column. The run-off
 20 primary, special primary runoff, run-off election, or special election runoff shall be a
 21 continuation of the primary, special primary, election, or special election for the particular
 22 office concerned. Only the electors who were duly registered to vote and not subsequently
 23 deemed disqualified to vote in the primary, special primary, election, or special election for
 24 candidates for that particular office shall be entitled to vote therein, and only those votes
 25 cast for the persons designated as candidates in such run-off primary, special primary
 26 runoff, run-off election, or special election runoff shall be counted in the tabulation and
 27 canvass of the votes cast. No elector shall vote in a run-off primary or special primary
 28 runoff in violation of Code Section 21-2-224.

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

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

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

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

23 (f) Except for presidential electors, to be elected to public office in a general election, a
24 candidate must receive a ~~plurality~~ majority of the votes cast in an election to fill such
25 public office. To be elected to the office of presidential electors, no slate of candidates
26 shall be required to receive a ~~plurality~~ majority of the votes cast, but that slate of candidates
27 shall be elected to such office which receives the highest number of votes cast.

28 ~~(g) In the event that no candidate receives a plurality of the votes cast in a general election,
29 a runoff of the general election between the candidates receiving the two highest numbers
30 of votes shall be held. If more than one candidate in a general election receives a plurality
31 of the votes cast, the candidate receiving the highest number of votes cast shall be declared
32 the winner. Unless such date is postponed by a court order, such runoff shall be held on
33 the twenty-first day after the day of holding the preceding general election. If any
34 candidate eligible to be in such runoff withdraws, dies, or is found to be ineligible, the
35 remaining candidates receiving the two highest numbers of votes shall be the candidates
36 in the runoff. The candidate receiving the highest number of the votes cast in such runoff
37 to fill the public office such candidate seeks shall be declared the winner. The name of a~~

1 ~~write-in candidate eligible for election in a runoff shall be printed on the run-off election~~
 2 ~~ballot in the independent column. The run-off election of a general election shall be a~~
 3 ~~continuation of the general election for the particular office concerned. Only the electors~~
 4 ~~who were duly registered to vote and not subsequently deemed disqualified to vote for that~~
 5 ~~particular office in such general election shall be entitled to vote therein, and only those~~
 6 ~~votes cast for the persons designated as candidates in such runoff shall be counted in the~~
 7 ~~tabulation and canvass of the votes cast."~~

8 **SECTION 14A.**

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

12 "(e) Candidates in special elections for partisan offices shall not be listed on the ballot
 13 according to party affiliation ~~unless a candidate has been nominated in a special primary,~~
 14 ~~in which event such a candidate shall have his or her name placed in a column under the~~
 15 ~~name of his or her party.~~ The incumbency of a candidate seeking election for the public
 16 office he or she then holds shall be indicated on the ballot."

17 **SECTION 15.**

18 In the event any Code section, subsection, paragraph, subparagraph, item, sentence, clause,
 19 phrase, or word of this Act is declared or adjudged to be invalid or unconstitutional, such
 20 declaration or adjudication shall not affect the remaining portions of this Act, which shall
 21 remain of full force and effect as if such portion so declared or adjudged invalid or
 22 unconstitutional were not originally a part of this Act. The General Assembly declares that
 23 it would have enacted the remaining parts of this Act if it had known that such portion
 24 thereof would be declared or adjudged invalid or unconstitutional.

25 **SECTION 16.**

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