

House Bill 244 (RULES COMMITTEE SUBSTITUTE)

By: Representative Burmeister of the 119th

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2 primaries and elections generally, so as to amend certain definitions; to provide for the
3 enforcement of the chapter by the State Election Board; to provide that vacancies in party
4 nomination caused by the withdrawal of the candidate shall not be filled under certain
5 circumstances; to provide for the voting of absentee ballots by mail without a reason; to
6 remove certain limitations on the distribution of absentee ballot applications by certain
7 organizations; to provide for the processing of such absentee ballot applications; to provide
8 that the political affiliation of candidates in special elections shall be shown on the ballot; to
9 provide that a candidate must receive a majority of the votes cast to be elected to office; to
10 provide that nonpartisan elections shall be held in conjunction with the November general
11 election; to provide for qualifying for such nonpartisan election; to provide for certain
12 procedures concerning write-in candidates; to provide that electors must present proper
13 identification when registering to vote or, if registering to vote for the first time in this state
14 by mail, prior to voting; to provide for a state write-in absentee ballot for certain electors; to
15 provide procedures for use of such ballot; to provide when absentee ballots must be
16 available; to provide that no absentee ballot shall be issued on the day prior to a primary or
17 election; to provide that certain absentee ballots that are postmarked by the date of the runoff
18 may be received by the registrars up to three days after the runoff; to provide for the types
19 of identification that must be presented in order to register and to vote; to change the date of
20 certain runoff primaries and elections; to authorize the Secretary of State to provide copies
21 of the general election ballot and questions on compact disc or other media or an Internet
22 website; to clarify the meaning of governing authority; to authorize the Secretary of State to
23 review ballots for use on DRE units; to provide for certain training for poll officers; to
24 change municipal qualifying periods; to provide that a candidate shall use the surname shown
25 on such candidate's voter registration card when qualifying for office; to provide that the
26 form of a candidate's name cannot be changed after the candidate qualifies; to provide for
27 the time of giving notice to be a write-in candidate in special elections; to delete the
28 requirement that the Secretary of State receive all voter registration cards after a system of
29 digitization of voter registration signatures is operational; to provide for the time for

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1 challenging the right of an elector to vote who votes by absentee ballot in person; to provide
 2 for the sending of certain notices concerning voter registration; to provide that the individual
 3 names of candidates for the office of presidential elector shall not be listed on the ballot; to
 4 remove the authorization for counties to use lever-type voting machines; to remove the
 5 requirement that optical scanning ballots have a name stub; to provide for notice of
 6 preparation of certain voting equipment prior to runoffs; to remove the elector's place of
 7 birth from the absentee ballot oath form; to provide that absentee electors whose vote has
 8 been challenged must vote by paper or optical scanning ballot; to provide for the posting of
 9 certain information at polling places; to provide for additional state-wide poll watchers; to
 10 provide for poll watchers for advance voting sites; to limit the number of state-wide poll
 11 watchers at individual polling places simultaneously; to prohibit certain activities within
 12 close proximity to the locations where advance voting is taking place; to delete the
 13 requirement that poll officers ascertain whether someone timely registered to vote prior to
 14 allowing such person to vote a provisional ballot; to limit the requirement that all voters vote
 15 provisional ballots when poll hours are extended by court order to elections in which federal
 16 candidates are on the ballot; to provide for the use of provisional ballots by electors when
 17 voting machines or DRE units malfunction or an emergency exists which prevents the use
 18 of such devices; to provide for the call of special elections when held in conjunction with
 19 state-wide primaries and elections; to provide for the offense of conspiracy to commit
 20 election fraud; to provide for effective dates; to repeal conflicting laws; and for other
 21 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 (5), (9), (22), and (37) of Code
 26 Section 21-2-2, relating to definitions, and inserting in lieu thereof new paragraphs (5), (9),
 27 (22), and (37) to read as follows:

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

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

32 "~~(22) 'Plurality' means the receiving by one candidate alone of the highest number of~~
 33 ~~votes cast for eligible candidates in an election among the candidates for the same office,~~
 34 ~~provided that such number of votes exceeds 45 percent of the total number of votes cast~~
 35 ~~in such election for such office. In the case where two or more persons tie in receiving~~

1 ~~the highest number of votes or no candidate receives more than 45 percent of the total~~
 2 ~~votes cast for eligible candidates in the election for the office sought there is no plurality~~
 3 Reserved."

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

10 SECTION 2.

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

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

28 SECTION 3.

29 Said chapter is further amended by striking Code Section 21-2-8, relating to eligibility for
 30 nomination, election, and performance of certain acts, and inserting in lieu thereof a new
 31 Code Section 21-2-8 to read as follows:

32 "21-2-8.

33 No person shall be eligible for party nomination for or election to public office, nor shall
 34 he or she perform any official acts or duties as a superintendent, registrar, deputy registrar,
 35 poll officer, or party officer, as set forth in this chapter, in connection with any election or

1 primary held under this chapter, if under the laws of this state, any other state, or the United
 2 States he or she has been convicted and sentenced, in any court of competent jurisdiction,
 3 for fraudulent violation of primary or election laws, malfeasance in office, or felony
 4 involving moral turpitude, unless such person's civil rights have been restored and at least
 5 ten years have elapsed from the date of the completion of the sentence without a
 6 subsequent conviction of another felony involving moral turpitude. Additionally, the
 7 person shall not be holding illegally any public funds. In the event of the disqualification
 8 of the superintendent as described in this Code section, the clerk of the superior court shall
 9 act in his or her stead. Notwithstanding the above, the governing authority of a
 10 municipality shall appoint an individual to serve as superintendent for municipal elections
 11 or municipal primaries in the event of the disqualification of the municipal superintendent,
 12 unless the municipality has contracted with a county government for the provision of
 13 election services, in which event the clerk of the superior court shall act in place of a
 14 disqualified superintendent."

15 **SECTION 4.**

16 Said chapter is further amended by striking subsection (b) of Code Section 21-2-9, relating
 17 to date of election for offices, and inserting in lieu thereof a new subsection (b) to read as
 18 follows:

19 "(b) All general municipal elections to fill municipal offices shall be held on the Tuesday
 20 next following the first Monday in November in each odd-numbered year. Public notice
 21 of such elections shall be published by the governing authority of the municipality in a
 22 newspaper of general circulation in the municipality at least 30 days prior to the elections."

23 **SECTION 5.**

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

27 "21-2-33.1.

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

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

33 (2) To pay a civil penalty not to exceed \$5,000.00 for each violation of this chapter or
 34 for each failure to comply with any provision of this chapter or of any rule or regulation
 35 promulgated under this chapter. Such penalty may be assessed against ~~an individual, a~~

1 ~~governing authority which employs or compensates an individual, or both,~~ any violator
 2 as the State Election Board deems appropriate;

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

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

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

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

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

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

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

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

6 **SECTION 6.**

7 Said chapter is further amended by striking paragraph (15) of subsection (a) of Code Section
 8 21-2-50, relating to powers and duties of the Secretary of State, and inserting in lieu thereof
 9 a new paragraph (15) to read as follows:

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

12 **SECTION 7.**

13 Said chapter is further amended by striking Code Section 21-2-72, relating to primary and
 14 election records to be open to the public, and inserting in lieu thereof a new Code Section
 15 21-2-72 to read as follows:

16 "21-2-72.

17 Except when otherwise provided by law or court order, the primary and election records
 18 of each ~~governing authority~~, superintendent, registrar, municipal governing authority, and
 19 committee of a political party or body, including registration statements, nomination
 20 petitions, affidavits, certificates, tally papers, returns, accounts, contracts, reports, and other
 21 documents in official custody, except the contents of voting machines, shall be open to
 22 public inspection and may be inspected and copied by any elector of the county or
 23 municipality during usual business hours at any time when they are not necessarily being
 24 used by the custodian or his or her employees having duties to perform in reference thereto;
 25 provided, however, that such public inspection shall only be in the presence of the
 26 custodian or his or her employee and shall be subject to proper regulation for the
 27 safekeeping of such documents and subject to the further provisions of this chapter. The
 28 custodian shall also, upon request, if photocopying equipment is available in the building
 29 in which the records are housed, make and furnish to any member of the public copies of
 30 any of such records upon payment of the actual cost of copying the records requested."

31 **SECTION 8.**

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

1 "21-2-73.

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

6 **SECTION 9.**

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

10 "21-2-90.

11 All elections and primaries shall be conducted in each precinct by a board consisting of a
12 chief manager, who shall be chairperson of such board, and two assistant managers assisted
13 by clerks. The managers of each precinct shall be appointed by the superintendent or, in
14 the case of municipal elections, by the municipal governing authority. If the political
15 parties involved elect to do so, they may submit to the superintendent or municipal
16 governing authority, for consideration in making such appointment, a list of qualified
17 persons. When such lists are submitted to the appropriate office, the superintendent or
18 municipal governing authority, insofar as practicable, shall make appointments so that there
19 shall be equal representation on such boards for the political parties involved in such
20 elections or primaries. The superintendent or municipal governing authority shall make
21 each appointment by entering an order which shall remain of record in the appropriate
22 office and shall transmit a copy of such order to the appointee. The order shall include the
23 name and address of the appointee, his or her title, and a designation of the precinct and
24 primary or election in which he or she is to serve."

25 **SECTION 10.**

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

29 "(a) The election superintendent shall provide adequate training to all poll officers and poll
30 workers regarding the use of voting equipment, voting procedures, all aspects of state and
31 federal law applicable to conducting elections, and the poll officers' or poll workers' duties
32 in connection therewith ~~before the first election in each election cycle~~ prior to each general
33 primary and general election and each special primary and special election; provided,
34 however, such training shall not be required for a special election held between the date of
35 the general primary and the general election. Upon successful completion of such

1 instruction, the superintendent shall give to each poll officer and poll worker a certificate
 2 to the effect that such person has been found qualified to conduct such primary or election
 3 with the particular type of voting equipment in use in that jurisdiction. Additionally, the
 4 superintendent shall notify the Secretary of State on forms to be provided by the Secretary
 5 of State of the date when such instruction was held and the number of persons attending
 6 and completing such instruction. For the purpose of giving such instructions, the
 7 superintendent shall call such meeting or meetings of poll officers and poll workers as shall
 8 be necessary. Each poll officer shall, upon notice, attend such meeting or meetings called
 9 for his or her instruction."

10 **SECTION 11.**

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

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

17 **SECTION 12.**

18 Said chapter is further amended by striking subsection (c) of Code Section 21-2-101, relating
 19 to certification program for election superintendents or election board designee, and inserting
 20 in lieu thereof a new subsection (c) to read as follows:

21 "(c) A superintendent and the county or municipal governing authority which employs the
 22 superintendent may be fined by the State Election Board for failure to attain the
 23 certification required in this Code section."

24 **SECTION 13.**

25 Said chapter is further amended by striking paragraph (3) of subsection (d) of Code Section
 26 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit, and
 27 inserting in lieu thereof a new paragraph (3) to read as follows:

28 "(3) Each candidate for municipal office or a designee shall file a notice of candidacy in
 29 the office of the municipal superintendent of such candidate's municipality during the
 30 municipality's qualifying period. Each municipal superintendent shall designate the days
 31 of the qualifying period, which shall be no less than three days and no more than five
 32 days. The days of the qualifying period shall be consecutive days. Qualifying periods
 33 shall ~~comply with the following:~~

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

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

9 ~~(C) In~~ in the case of a special election, the municipal qualifying period shall commence
 10 no earlier than the date of the call and shall end no later than 25 days prior to the
 11 election.

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

18 **SECTION 14.**

19 Said chapter is further amended by striking subsections (c), (d), (f), and (i) of Code Section
 20 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit, and
 21 inserting in lieu thereof new subsections (c), (d), (f), and (i) to read as follows:

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

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

35 (2) Each candidate for a county judicial office, a local school board office, or an office
 36 of a consolidated government, ~~except those offices which on July 1, 2001, were covered~~

1 ~~by local Acts of the General Assembly which provided for election in a nonpartisan~~
 2 ~~election without a prior nonpartisan primary~~, or the candidate's agent, desiring to have
 3 his or her name placed on the nonpartisan election ballot shall file notice of candidacy in
 4 the office of the superintendent no earlier than 9:00 A.M. on the fourth Monday in ~~April~~
 5 June immediately prior to the election and no later than 12:00 Noon on the Friday
 6 following the fourth Monday in ~~April~~ June, notwithstanding the fact that any such days
 7 may be legal holidays.

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

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

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

30 (3) Each candidate for municipal office or a designee shall file a notice of candidacy in
 31 the office of the municipal superintendent of such candidate's municipality during the
 32 municipality's qualifying period. Each municipal superintendent shall designate the days
 33 of the qualifying period, which shall be no less than three days and no more than five
 34 days. The days of the qualifying period shall be consecutive days. Qualifying periods
 35 shall comply with the following:

36 (A) In the case of a general election held in an odd-numbered year, the municipal
 37 qualifying period shall commence no earlier than 8:30 A.M. on the second Monday in

1 September immediately preceding the general election and shall end no later than 4:30
2 P.M. on the following Friday;

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

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

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

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

18 (1) His or her full name and the name as the candidate desires it to be listed on the ballot,
19 The surname of the candidate shall be the surname of the candidate as it appears on the
20 candidate's voter registration card. After such name is submitted to the Secretary of State
21 or the election superintendent, the form of such name shall not be changed during the
22 election for which such notice of candidacy is submitted;

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

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

26 (4) The name of his or her precinct;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 SECTION 15.

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

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

1 by some other person or group of persons qualified to vote in the subject election, as
2 follows:

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

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

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

11 SECTION 16.

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

16 "(1) A candidate nominated at any primary election or nominated by means other than
17 a primary may withdraw as a candidate at the ensuing general election by filing a
18 notarized affidavit of withdrawal with the Secretary of State, if nominated for a state
19 office; the county superintendent, if nominated for a county office; or the municipal
20 superintendent, if nominated for a municipal office. The qualifying fee shall not be
21 returned to the candidate. If the ballots have been printed, the Secretary of State or the
22 county or municipal superintendent may reprint the ballots to omit the name of the
23 withdrawn candidate. All votes cast for the withdrawn candidate shall be void and shall
24 not be counted. Prominent notices shall be posted in all polling places in which the name
25 of the withdrawn candidate appears on the ballot stating that the candidate has withdrawn
26 and that all votes cast for such withdrawn candidate shall be void and shall not be
27 counted. No vacancy on the ballot for a general election or for a nonpartisan election shall
28 be filled except by reason of the ~~withdrawal~~, death; or disqualification of a candidate or
29 the withdrawal of a candidate as provided in paragraph (2) of subsection (b) of this Code
30 section."

31 "(3) Any vacancy which occurs in any party nomination filled by a primary and which
32 is created by reason of the withdrawal of a candidate less than 60 days prior to the date
33 of the election shall not be filled ~~in the same manner as provided in subparagraph (A),~~
34 ~~(B), (C), or (D) of paragraph (1) of this subsection, as appropriate.~~ The qualifying fee
35 shall not be returned to the candidate. If the ballots have been printed, the Secretary of
36 State or the county or municipal superintendent may reprint the ballots to omit the name

1 of the withdrawn candidate. All votes cast for the withdrawn candidate shall be void and
 2 shall not be counted. Prominent notices shall be posted in all polling places in which the
 3 name of the withdrawn candidate appears on the ballot stating that the candidate has
 4 withdrawn and that all votes cast for such withdrawn candidate shall be void and shall not
 5 be counted."

6 **SECTION 17.**

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

10 "21-2-138.

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

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

3 **SECTION 18.**

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

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

29 **SECTION 19.**

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

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

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

4 **SECTION 20.**

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

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

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

11 The surname of the candidate shall be the surname of the candidate as it appears on the
 12 candidate's voter registration card. After such name is certified by the political party to
 13 the Secretary of State or the election superintendent, the form of such name shall not be
 14 changed during the primary and election for which such affidavit is submitted;

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

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

18 (4) The name of his or her precinct;

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

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

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

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

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

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

1 shall have the right to resign at any time by submitting a resignation to such governing
 2 authority. In the event of any such removal or resignation of a registrar, such registrar's
 3 duties and authority as such shall terminate instantly. Successors to resigned registrars
 4 shall be appointed by the municipal governing authority. Each appointment or change in
 5 designation shall be entered on the minutes of ~~the~~ such governing authority and certified
 6 by the governing authority. The municipal governing authority may furnish such
 7 employees and facilities as it deems necessary for the operation of the office and the affairs
 8 of the registrars."

9 "(e) Any other provision of this Code section to the contrary notwithstanding, in any
 10 county of this state having a population of more than 600,000 according to the United
 11 States decennial census of 1990 or any future such census, the governing authority of the
 12 county shall appoint the county registrars in lieu of the judge of the superior court. The
 13 appointments shall be entered on the minutes of the county governing authority. The
 14 county governing authority shall designate one of the registrars as chief registrar, who shall
 15 serve as such during such registrar's term of office. Such designation shall likewise be
 16 entered on the minutes of ~~the~~ such governing authority. It shall be the duty of the county
 17 governing authority to certify the appointments and designation to the Secretary of State
 18 within 30 days after such appointments and designation. In certifying such names to the
 19 Secretary of State, the county governing authority shall also list the addresses of the
 20 registrars. Such registrars shall serve at the pleasure of the governing authority of the
 21 county, and the compensation of the registrars shall be fixed by the governing authority of
 22 the county. Any registrar shall have the right to resign at any time by submitting a
 23 resignation to ~~the~~ such governing authority. In the event of the death, resignation, or
 24 removal of any registrar, such registrar's duties and authority as such shall terminate
 25 instantly. Successors shall be appointed by the county governing authority. Each
 26 appointment or change in designation shall be entered on the minutes of ~~the~~ such governing
 27 authority and certified as provided in this Code section. The first appointments in any such
 28 county under this article shall be made in the year 1965, and the persons appointed shall
 29 assume office July 1, 1965. The governing authorities of such counties may furnish such
 30 employees and facilities as they deem necessary for the operation of the office and affairs
 31 of the registrars."

32 SECTION 23.

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

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

6 SECTION 24.

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

10 "(c) Except as otherwise provided in this subsection, electors who register to vote for the
 11 first time in this state in person must present one of the forms of current and valid
 12 identification containing a photograph of the elector specified in subsection (a) of Code
 13 Section 21-2-417. Electors who register to vote for the first time in this state by mail must
 14 present current and valid identification either when registering to vote by mail or when
 15 voting for the first time after registering to vote by mail. The current and valid
 16 identification shall be one or more of those forms of identification provided in Code
 17 Section 21-2-417 or a legible copy thereof. The registrars shall make copies of any original
 18 forms of identification submitted by applicants and return the originals to the applicants.

19 The requirement to submit identification shall not apply to:

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

23 ~~(2)~~ (1) Persons who are entitled to vote by absentee ballot under the federal Uniformed
 24 and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq.; or

25 ~~(3)~~ (2) Persons who are entitled to vote otherwise than in person under any other federal
 26 law.

27 (d) If an applicant fails to provide all of the required information on the application for
 28 voter registration with the exception of current and valid identification as provided in
 29 subsection (a) of Code Section 21-2-417, the board of registrars shall notify the registrant
 30 in writing of the missing information. The board of registrars shall not determine the
 31 eligibility of the applicant until and unless all required information is supplied by the
 32 applicant. If the initial application is received prior to the close of voter registration prior
 33 to an election, if the applicant supplies the necessary information on or prior to the date of
 34 the election, and if the applicant is found eligible to vote, the applicant shall be added to
 35 the list of electors and shall be permitted to vote in the election and any run-off elections
 36 resulting therefrom and subsequent elections; provided, however, that voters who

1 registered to vote for the first time in this state by mail must supply current and valid
 2 identification when voting for the first time as required in subsection (c) of this Code
 3 section. In the event the elector does not respond to the request for the missing information
 4 within 30 days, the application shall be rejected."

5 **SECTION 25.**

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

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

18 **SECTION 26.**

19 Said chapter is further amended by striking subsection (f) of Code Section 21-2-231, relating
 20 to lists of persons convicted of felonies, persons declared mentally incompetent, and
 21 deceased persons provided to Secretary of State, and inserting in lieu thereof a new
 22 subsection (f) to read as follows:

23 "(f) County registrars shall initiate appropriate action regarding the right of an elector to
 24 remain on the list of qualified registered voters within 60 days after receipt of the
 25 information described in this Code section. Failure to take such action may subject the
 26 registrars or the county governing authority for whom the registrars are acting to a fine by
 27 the State Election Board."

28 **SECTION 27.**

29 Said chapter is further amended by striking subsections (b) and (c) of Code Section 21-2-233,
 30 relating to comparison of change of address information supplied by United States Postal
 31 Service, and inserting in lieu thereof new subsections (b) and (c) to read as follows:

32 "(b) If it appears from the change of address information supplied by the licensees of the
 33 United States Postal Service that an elector whose name appears on the official list of
 34 electors has moved to a different address in the county in which the elector is presently

1 registered, the list of electors shall be changed to reflect the new address and the elector
 2 shall be sent a notice of the change by forwardable mail at ~~both~~ the elector's old address
 3 ~~and the new address~~ with a postage prepaid, preaddressed return form by which the elector
 4 may verify or correct the address information. The registrars may also send a notice of the
 5 change by forwardable mail to the elector's new address with a postage prepaid,
 6 preaddressed return form by which the elector may verify or correct the address
 7 information.

8 (c) If it appears from the change of address information supplied by the licensees of the
 9 United States Postal Service that an elector whose name appears on the official list of
 10 electors has moved to a different address outside of the boundaries of the county or
 11 municipality in which the elector is presently registered, such elector shall be sent a
 12 confirmation notice as provided in Code Section 21-2-234 at ~~both~~ the old ~~and new~~
 13 ~~addresses~~ address of the elector. The registrars may also send a confirmation notice to the
 14 elector's new address. If the elector confirms the change of address to an address outside
 15 of the boundaries of the county or municipality in which the elector is presently registered,
 16 the elector's name shall be removed from the appropriate list of electors. If the elector
 17 responds to the notice and affirms that the elector has not moved, the elector shall remain
 18 on the list of electors at the elector's current address. If the elector fails to respond to the
 19 notice within 30 days after the date of the notice, the elector shall be transferred to the
 20 inactive list provided for in Code Section 21-2-235."

21 SECTION 28.

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

25 "21-2-264.

26 In all cases of the division, redivision, alteration, formation, or consolidation of precincts,
 27 the costs of the proceedings shall be paid by the county or municipal governing authority,
 28 as appropriate. There may be appropriated to the Secretary of State funds to be granted to
 29 counties or municipalities for purposes of meeting the requirements of Code Section
 30 21-2-261.1. Upon the filing of a written request by the election officials of any qualified
 31 county or municipality, a qualified county or municipality shall be reimbursed for all
 32 reasonable expenses incurred by such county or municipality which are directly related to
 33 the redrawing of voting precinct boundaries, verification of voting precinct residency,
 34 notification of voter precinct and polling place changes, and compilation and preparation
 35 of the electors list as necessitated by Code Section 21-2-261.1; provided, however, that
 36 such reimbursement of costs shall not exceed 25¢ per registered voter whose name

1 appeared on such county's or municipality's electors list as of January 1, 1982. Any
 2 qualified county or municipality seeking reimbursement of such costs shall present an
 3 itemized description of such costs to the Secretary of State. If the Secretary of State, after
 4 a review of the report of such costs incurred by a county or municipality, shall find that all
 5 or portions of such costs were reasonable and were directly related to the preparation of
 6 such descriptions and lists, he or she shall approve all of those parts of the costs deemed
 7 reasonable and shall reimburse the counties or municipalities for such expenses. Any state
 8 funds necessary to carry out the provisions of this subsection shall come only from those
 9 funds appropriated to the Secretary of State specifically for the purpose of implementing
 10 the provisions of Code Section 21-2-261.1. If such funds are not sufficient to bear
 11 completely the cost of fully implementing the provisions of Code Section 21-2-261.1,
 12 payment to the counties or municipalities seeking assistance shall be made on a pro rata
 13 basis subject to the availability of appropriated funds."

14

SECTION 29.

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

18 "21-2-267.

19 (a) The governing authority of each county and municipality shall provide and the
 20 superintendent shall cause all rooms used as polling places to be provided with suitable
 21 heat and light and, in precincts in which ballots are used, with a sufficient number of voting
 22 compartments or booths with proper supplies in which the electors may conveniently mark
 23 their ballots, with a curtain, screen, or door in the upper part of the front of each
 24 compartment or booth so that in the marking thereof they may be screened from the
 25 observation of others. A curtain, screen, or door shall not be required, however, for the
 26 self-contained units used as voting booths in which direct recording electronic (DRE)
 27 voting units are located if such booths have been designed so as to ensure the privacy of
 28 the elector. When practicable, every polling place shall consist of a single room, every part
 29 of which is within the unobstructed view of those present therein and shall be furnished
 30 with a guardrail or barrier closing the inner portion of such room, which guardrail or barrier
 31 shall be so constructed and placed that only such persons as are inside such rail or barrier
 32 can approach within six feet of the ballot box and voting compartments, or booths, or
 33 voting machines, as the case may be. The ballot box and voting compartments or booths
 34 shall be so arranged in the voting room within the enclosed space as to be in full view of
 35 those persons in the room outside the guardrail or barrier. The voting machine or machines
 36 shall be placed in the voting rooms within the enclosed space so that, unless its

1 construction shall otherwise require, the ballot labels on the face of the machine can be
 2 plainly seen by the poll officers when the machine is not occupied by an elector. In the
 3 case of direct recording electronic (DRE) voting units, the units shall be arranged in such
 4 a manner as to ensure the privacy of the elector while voting on such units, to allow
 5 monitoring of the units by the poll officers while the polls are open, and to permit the
 6 public to observe the voting without affecting the privacy of the electors as they vote.

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

11 **SECTION 30.**

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

15 "21-2-268.

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

21 **SECTION 31.**

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

25 "21-2-280.

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

1 ~~to determine the total number of votes received by each candidate in the nonpartisan~~
 2 ~~election. In the event that a candidate in such nonpartisan election does not receive a~~
 3 ~~plurality of the total votes cast for such office, there shall be a nonpartisan election runoff~~
 4 ~~between the candidates receiving the two highest numbers of votes for such office; and the~~
 5 ~~names of such candidates shall be placed on each political party ballot at the general~~
 6 ~~primary runoff in the same nonpartisan portion as prescribed in this Code section. If no~~
 7 ~~political party runoff is required, the form of the ballot for the nonpartisan election runoff~~
 8 ~~shall be prescribed by the Secretary of State or election superintendent in essentially the~~
 9 ~~same format prescribed for nonpartisan elections. The candidate receiving the highest~~
 10 ~~number of votes cast in the nonpartisan election runoff shall be declared duly elected to~~
 11 ~~such office.~~

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

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

16 'OFFICIAL NONPARTISAN PRIMARY BALLOT OF

17 _____
 18 (Name of Municipality)';

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

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

24 SECTION 34.

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

28 "(e) When presidential electors are to be elected, the ballot shall not list the individual
 29 names of the nominees candidates for presidential electors but shall list the names of each
 30 political party or body for such offices shall be arranged alphabetically under or body and
 31 the names of the candidates of the party or body for the offices of President and Vice
 32 President of the United States. The individual names or the nominees of each political
 33 party or body for such offices shall be posted at each polling place arranged alphabetically
 34 under the names of the candidates of the party or body for President and Vice President of
 35 the United States. A vote for the candidates for President and Vice President of a political

1 party or body shall be deemed to be a vote for each of the candidates for presidential
 2 electors of such political party or body."

3 SECTION 35.

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 shall be filed in the office of the municipal governing authority and in the office of the
2 Secretary of State.

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

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

20 SECTION 38.

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

24 "21-2-323.

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

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

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

35 (d) The municipal governing authority shall provide voting machines in good working
36 order and of sufficient capacity to accommodate the names of a reasonable number of

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

3 **SECTION 39.**

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

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

12 **SECTION 40.**

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

16 "21-2-327.

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

28 (b) The superintendent shall appoint one custodian of voting machines and such deputy
29 custodians as may be necessary, whose duty it shall be to prepare the machines to be used
30 ~~in the county~~ at the primaries and elections to be held therein. Each custodian and deputy
31 custodian shall receive from the ~~county~~ or municipality such compensation as shall be fixed
32 by the governing authority of the ~~county~~ or municipality. Such custodian shall, under the
33 direction of the superintendent, have charge of and represent the superintendent during the
34 preparation of the voting machines as required by this chapter, and he or she and the deputy
35 custodians, whose duty it shall be to assist him or her in the discharge of his or her duties,

1 shall serve at the pleasure of the superintendent. Each custodian shall take an oath of
2 office framed by the Secretary of State, which shall be filed with the superintendent.

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

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

- 36 (1) The identifying number or other designation of the voting machine;
37 (2) That each registering counter on the machine was set at zero;

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

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

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

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

16 SECTION 41.

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

20 "~~(a) During the 30 days next preceding a general primary or election or during the ten days~~
21 ~~next preceding a special primary or election, other than in the case of municipal primaries~~
22 ~~and elections, and during the five days preceding a municipal general primary or election~~
23 or during the three days preceding a municipal special primary or election, the
24 superintendent shall place on public exhibition, in such public places and at such times as
25 he or she may deem most suitable for the information and instruction of the electors, one
26 or more voting machines containing the ballot labels and showing the offices and questions
27 to be voted upon, the names and arrangements of parties and bodies, and, so far as
28 practicable, the names and arrangements of the candidates to be voted for. Such machine
29 or machines shall be under the charge and care of a person competent as custodian and
30 instructor. No voting machine which is to be assigned for use in a primary or election shall
31 be used for such public exhibition and instruction after having been prepared and sealed
32 for the primary or election."

SECTION 42.

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

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

SECTION 43.

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

"21-2-333.

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

SECTION 44.

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

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

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

SECTION 47.

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

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

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

SECTION 48.

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

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

8 SECTION 49.

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

12 "21-2-381.

13 (a)(1)(A) Except as otherwise provided in Code Section 21-2-219, not more than 180
 14 days prior to the date of the primary or election, or runoff of either, in which the elector
 15 desires to vote, any absentee elector may make, either by mail, by facsimile
 16 transmission, or in person in the registrar's or absentee ballot clerk's office, an
 17 application for an official ballot of the elector's precinct to be voted at such primary,
 18 election, or runoff.

19 (B) In the case of an elector residing temporarily out of the county or municipality or
 20 a physically disabled elector residing within the county or municipality, the application
 21 for the elector's absentee ballot may, upon satisfactory proof of relationship, be made
 22 by such elector's mother, father, grandparent, aunt, uncle, sister, brother, spouse, son,
 23 daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law,
 24 father-in-law, brother-in-law, or sister-in-law of the age of 18 or over.

25 (C) The application shall be in writing and shall contain sufficient information for
 26 proper identification of the elector; the permanent or temporary address of the elector
 27 to which the absentee ballot shall be mailed; the identity of the primary, election, or
 28 runoff in which the elector wishes to vote; the reason for requesting the absentee ballot,
 29 if applicable; and the name and relationship of the person requesting the ballot if other
 30 than the elector.

31 (D) Except in the case of physically disabled electors residing in the county or
 32 municipality, no absentee ballot shall be mailed to an address other than the permanent
 33 mailing address of the elector as recorded on the elector's voter registration record or
 34 a temporary out-of-county or out-of-municipality address.

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

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

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

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

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

31 (3) All applications for an official absentee ballot that are distributed by a person, entity,
 32 or organization shall list thereon all of the legally acceptable categories of absentee
 33 electors contained in Code Section 21-2-380 and shall require the elector to select the
 34 category which qualifies the elector to vote by absentee ballot, if applicable. ~~No~~
 35 ~~application for an official absentee ballot that is physically attached to a publication that~~
 36 ~~advocates for or against a particular candidate, issue, political party, or political body~~
 37 ~~shall be distributed by any person, entity, or organization.~~ Such applications, if properly

1 completed by the elector or other authorized person and returned to the registrar or
2 absentee ballot clerk, as appropriate, shall be processed by the registrar or absentee ballot
3 clerk and, if the elector is found to be qualified, an absentee ballot shall be mailed or
4 delivered in the office of the registrar or absentee ballot clerk to such elector.

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

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

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

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

23 (5) In the case of an unregistered applicant who is eligible to register to vote, the clerk
24 or the board shall immediately mail a blank registration card as provided by Code Section
25 21-2-223, and such applicant, if otherwise qualified, shall be deemed eligible to vote by
26 absentee ballot in such primary or election, if the registration card, properly completed,
27 is returned to the clerk or the board on or before the last day for registering to vote in
28 such primary or election. If the closing date for registration in the primary or election
29 concerned has not passed, the clerk or registrar shall also mail a ballot to the applicant,
30 as soon as it is prepared and available; and the ballot shall be cast in such primary or
31 election if returned to the clerk or board not later than the close of the polls on the day of
32 the primary or election concerned.

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

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

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

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

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

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

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

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

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

29 SECTION 50.

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

31 "21-2-381.2.

32 (a) The Secretary of State shall design a state write-in absentee ballot for federal offices
 33 and state offices that are voted upon on a state-wide basis for use in a primary runoff or
 34 election runoff by an eligible absentee elector who lives outside the county or municipality
 35 in which the election is held and who is:

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

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

6 (b) Such state write-in absentee ballot shall be automatically included with any absentee
 7 ballot sent to such eligible absentee electors for any general primary or general election.
 8 No special request for such state write-in absentee ballot shall be required.

9 (c) The state write-in absentee ballot shall contain instructions for completing and
 10 returning such ballot.

11 (d) The Secretary of State shall establish a website which such eligible absentee electors
 12 may access to determine if there is a primary runoff or election runoff for a federal office
 13 or a state office that is voted upon on a state-wide basis. The address of such website shall
 14 be included in the instructions for voting such state write-in absentee ballot.

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

19 (f) The registrars shall send a regular absentee ballot to such eligible absentee electors in
 20 accordance with Code Section 21-2-381. In the event that both the regular absentee ballot
 21 and the state write-in absentee ballot are received by the registrars within the time period
 22 for receiving absentee ballots, the regular absentee ballot shall be counted and the state
 23 write-in absentee ballot shall be kept unopened in the same manner as absentee ballots that
 24 are returned too late to be counted. Ballots for primary runoffs and election runoffs that
 25 are postmarked by the date of the primary runoff or election runoff, if proper in all other
 26 respects, shall be counted if received by the registrars within the three day period following
 27 such primary runoff or election runoff."

28 SECTION 51.

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

32 "(a)(1) The superintendent ~~shall, as soon as practicable prior to each primary or election,~~
 33 ~~but~~ must, at least 45 days prior to any general primary or general election other than a
 34 municipal general primary or general election, and at least 21 days prior to any municipal
 35 general primary or general election, prepare, obtain, and deliver an adequate supply of
 36 official absentee ballots to the board of registrars or absentee ballot clerk for use in the

1 primary or election. Envelopes and other supplies as required by this article may be
 2 ordered by the superintendent, the board of registrars, or the absentee ballot clerk for use
 3 in the primary or election.

4 (2) The board of registrars or absentee ballot clerk shall, within two days after the receipt
 5 of such ballots and supplies, mail or issue official absentee ballots to all eligible
 6 applicants; ~~and, as.~~ As additional applicants are determined to be eligible, the board or
 7 clerk shall mail or issue official absentee ballots to such additional applicants
 8 immediately upon determining their eligibility; provided, however, that no absentee ballot
 9 shall be mailed by the registrars or absentee ballot clerk on the day prior to a primary or
 10 election and provided, further, that no absentee ballot shall be issued on the day prior to
 11 a primary or election.

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

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

18 (5) In the event an absentee ballot which has been mailed by the board of registrars or
 19 absentee ballot clerk is not received by the applicant, the applicant may notify the board
 20 of registrars or absentee ballot clerk and sign an affidavit stating that the absentee ballot
 21 has not been received. The board of registrars or absentee ballot clerk shall then issue a
 22 second absentee ballot to the applicant and cancel the original ballot issued. The affidavit
 23 shall be attached to the original application. A second application for an absentee ballot
 24 shall not be required."

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

27 I, the undersigned, do swear (or affirm) that I am a citizen of the United States and of
 28 the State of Georgia; that my residence address is _____ County, Georgia; that
 29 I possess the qualifications of an elector required by the laws of the State of Georgia;
 30 that I am entitled to vote in the precinct containing my residence in the primary or
 31 election in which this ballot is to be cast; that I am eligible to vote by absentee ballot;
 32 that I have not marked or mailed any other absentee ballot, nor will I mark or mail
 33 another absentee ballot for voting in such primary or election; nor shall I vote therein
 34 in person; and that I have read and understand the instructions accompanying this
 35 ballot; and that I have carefully complied with such instructions in completing this
 36 ballot. I understand that the offer or acceptance of money or any other object of value

1 to vote for any particular candidate, list of candidates, issue, or list of issues included
2 in this election constitutes an act of voter fraud and is a felony under Georgia law.

3 _____
4 Elector's Residence
5 Address

_____ ~~Elector's Place of Birth~~

6 _____
7 Month and Day of
8 Elector's Birth

9 _____
10 Signature or Mark of Elector

11 Oath of Person Assisting Elector (if any):

12 I, the undersigned, do swear (or affirm) that I assisted the above-named elector in
13 marking such elector's absentee ballot as such elector personally communicated such
14 elector's preference to me; that I am satisfied that such elector presently possesses the
15 disability noted below; and that by reason of such disability such elector is entitled to
16 receive assistance in voting under provisions of subsection (a) of Code Section
17 21-2-409.

18 This, the _____ day of _____.

19 _____
20 Signature of Person Assisting
21 Elector -- Relationship

22 Reason for assistance (Check appropriate square):

- 23 Elector is unable to read the English language.
- 24 Elector has following physical disability _____.

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

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

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

32 (2) In the case of absent uniformed services or overseas voters, if the ~~Presidential~~
33 presidential designee under Section 705(b) of the federal Help America Vote Act

1 promulgates a standard oath for use by such voters, the Secretary of State shall be
 2 required to use such oath on absentee ballot materials for such voters and such oath shall
 3 be accepted in lieu of the oath set forth in paragraph (1) of this subsection.

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

9 SECTION 52.

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

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

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

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

35 (D) Three copies of the numbered list of voters shall also be prepared for such rejected
 36 absentee electors, giving the name of the elector and the reason for the rejection in each

1 case. Three copies of the numbered list of certified absentee voters and three copies of
 2 the numbered list of rejected absentee voters for each precinct shall be turned over to
 3 the poll manager in charge of counting the absentee ballots and shall be distributed as
 4 required by law for numbered lists of voters.

5 (E) All absentee ballots returned to the board or absentee ballot clerk after the closing
 6 of the polls on the day of the primary or election shall be safely kept unopened by the
 7 board or absentee ballot clerk and then transferred to the appropriate clerk for storage
 8 for the period of time required for the preservation of ballots used at the primary or
 9 election and shall then, without being opened, be destroyed in like manner as the used
 10 ballots of the primary or election. The board of registrars or absentee ballot clerk shall
 11 promptly notify the elector by first-class mail that the elector's ballot was returned too
 12 late to be counted and that the elector will not receive credit for voting in the primary
 13 or election. All such late absentee ballots shall be delivered to the appropriate clerk and
 14 stored as provided in Code Section 21-2-390.

15 (F) Notwithstanding any provision of this chapter to the contrary, until the United
 16 States Department of Defense notifies the Secretary of State that the Department of
 17 Defense has implemented a system of expedited absentee voting for those electors
 18 covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by
 19 eligible absentee electors who reside outside the county or municipality in which the
 20 primary runoff or election runoff is held and are members of the armed forces of the
 21 United States, members of the merchant marine of the United States, spouses or
 22 dependents of members of the armed forces or merchant marine residing with or
 23 accompanying such members, or overseas citizens that are postmarked by the date of
 24 such primary, election, or runoff and are received within the three day period following
 25 such primary, election, or runoff, if proper in all other respects, shall be valid ballots
 26 and shall be counted and included in the certified election results."

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

1 The board of registrars or absentee ballot clerk shall promptly notify the elector of such
2 challenge."

3 **SECTION 53.**

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

7 "21-2-387.

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

13 **SECTION 54.**

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

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

26 **SECTION 55.**

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

30 "(a)(1) In a primary or run-off primary, each candidate entitled to have his or her name
31 placed on the primary or run-off primary ballot may submit the name of one poll watcher
32 for each precinct in which he or she wishes to have an observer to the chairperson or
33 secretary of the appropriate party executive committee at least 21 days prior to such
34 primary or 14 days prior to such run-off primary. The appropriate party executive

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

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

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

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

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

1 shall be delivered to the superintendent and the chief registrar of the county or
 2 municipality in which the poll watcher is to serve.

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

27 **SECTION 56.**

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

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

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

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

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

13 SECTION 57.

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

17 "21-2-417.

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

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

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

26 (3) A valid United States passport;

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

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

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

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

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

3 ~~(9) (6) A valid United States military identification card containing a photograph of the~~
 4 ~~elector;~~

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

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

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

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

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

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

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

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

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

32 SECTION 58.

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

1 "21-2-418.

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

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

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

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

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

35 (f) At the time an elector casts a provisional ballot, the poll officers shall give the elector
36 written information that informs the elector of the existence of the free access system
37 required by subsection (e) of this Code section by which the elector will be able to

1 ascertain if his or her ballot was counted and, if such ballot was not counted, the reason
2 why such ballot was not counted.

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

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

14 SECTION 59.

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

18 "21-2-430.

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

32 SECTION 60.

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

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

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

1 alone of the highest number of votes cast. If the municipal charter or ordinances of a
2 municipality as now existing or as amended subsequent to September 1, 1968, provide that
3 a candidate may be nominated or elected by a plurality of the votes cast to fill such
4 nomination or public office, such provision shall prevail. Otherwise, no municipal
5 candidate shall be nominated for public office in any primary or elected to public office in
6 any election unless such candidate shall have received a majority of the votes cast to fill
7 such nomination or public office.

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

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

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

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

35 ~~(g) In the event that no candidate receives a plurality of the votes cast in a general election,~~
36 ~~a runoff of the general election between the candidates receiving the two highest numbers~~
37 ~~of votes shall be held. If more than one candidate in a general election receives a plurality~~

1 of the votes cast, the candidate receiving the highest number of votes cast shall be declared
 2 the winner. Unless such date is postponed by a court order, such runoff shall be held on
 3 the twenty-first day after the day of holding the preceding general election. If any
 4 candidate eligible to be in such runoff withdraws, dies, or is found to be ineligible, the
 5 remaining candidates receiving the two highest numbers of votes shall be the candidates
 6 in the runoff. The candidate receiving the highest number of the votes cast in such runoff
 7 to fill the public office such candidate seeks shall be declared the winner. The name of a
 8 write-in candidate eligible for election in a runoff shall be printed on the run-off election
 9 ballot in the independent column. The run-off election of a general election shall be a
 10 continuation of the general election for the particular office concerned. Only the electors
 11 who were duly registered to vote and not subsequently deemed disqualified to vote for that
 12 particular office in such general election shall be entitled to vote therein, and only those
 13 votes cast for the persons designated as candidates in such runoff shall be counted in the
 14 tabulation and canvass of the votes cast."

15 SECTION 62.

16 Said chapter is further amended by striking subsections (b) and (e) of Code Section 21-2-540,
 17 relating to conduct of special elections generally, and inserting in lieu thereof new
 18 subsections (b) and (e) to read as follows:

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

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

SECTION 63.

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

"21-2-603.

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

SECTION 64.

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

SECTION 65.

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

SECTION 66.

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