

## SENATE SUBSTITUTE TO HB 244

**AS PASSED SENATE**

## 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 revise the forms of identification that are acceptable in order to register and  
6 to vote in this state; to provide for the voting of absentee ballots by mail without a reason;  
7 to remove certain limitations on the distribution of absentee ballot applications by certain  
8 organizations; to provide for the processing of such absentee ballot applications; to provide  
9 that the political affiliation of candidates in special elections shall be shown on the ballot; to  
10 provide that a candidate must receive a majority of the votes cast to be elected to office; to  
11 provide that nonpartisan elections shall be held in conjunction with the November general  
12 election; to provide for qualifying for such nonpartisan election; to provide for certain  
13 procedures concerning write-in candidates; to provide for a state write-in absentee ballot for  
14 certain electors; to provide procedures for use of such ballot; to provide when absentee  
15 ballots must be available; to provide that no absentee ballot shall be issued on the day prior  
16 to a primary or election; to provide that certain absentee ballots that are postmarked by the  
17 date of the runoff may be received by the registrars up to three days after the runoff; to  
18 change the date of certain runoff primaries and elections; to authorize the Secretary of State  
19 to provide copies of the general election ballot and questions on compact disc or other media  
20 or an Internet website; to clarify the meaning of governing authority; to authorize the  
21 Secretary of State to review ballots for use on DRE units; to provide for certain training for  
22 poll officers; to change municipal qualifying periods; to provide that a candidate shall use  
23 the surname shown on such candidate's voter registration card when qualifying for office;  
24 to provide that the form of a candidate's name cannot be changed after the candidate  
25 qualifies; to provide for the time of giving notice to be a write-in candidate in special  
26 elections; to delete the requirement that the Secretary of State receive all voter registration  
27 cards after a system of digitization of voter registration signatures is operational; to provide  
28 for the time for challenging the right of an elector to vote who votes by absentee ballot in

1 person; to provide for the sending of certain notices concerning voter registration; to provide  
 2 that the individual names of candidates for the office of presidential elector shall not be listed  
 3 on the ballot; to remove the authorization for counties to use lever-type voting machines; to  
 4 remove the requirement that optical scanning ballots have a name stub; to provide for notice  
 5 of preparation of certain voting equipment prior to runoffs; to remove the elector's place of  
 6 birth from the absentee ballot oath form; to provide that absentee electors whose vote has  
 7 been challenged must vote by paper or optical scanning ballot; to provide for the posting of  
 8 certain information at polling places; to provide for additional state-wide poll watchers; to  
 9 provide for poll watchers for advance voting sites; to limit the number of state-wide poll  
 10 watchers at individual polling places simultaneously; to prohibit certain activities within  
 11 close proximity to the locations where advance voting is taking place; to change the forms  
 12 of identification that are acceptable for voter registration, for absentee voting, and for voting  
 13 at the polls; to require the county registrars to ensure that certain information is contained on  
 14 the lists of electors used at polling places; to provide for the confidentiality of certain  
 15 information; to delete the requirement that poll officers ascertain whether someone timely  
 16 registered to vote prior to allowing such person to vote a provisional ballot; to limit the  
 17 requirement that all voters vote provisional ballots when poll hours are extended by court  
 18 order to elections in which federal candidates are on the ballot; to provide for the use of  
 19 provisional ballots by electors when voting machines or DRE units malfunction or an  
 20 emergency exists which prevents the use of such devices; to provide for the call of special  
 21 elections when held in conjunction with state-wide primaries and elections; to provide for  
 22 the offense of conspiracy to commit election fraud; to amend Code Section 40-5-103 of the  
 23 Official Code of Georgia Annotated, relating to fee for identification cards, so as to provide  
 24 that fees for identification cards for persons who are indigent and need an identification card  
 25 in order to vote shall be waived under certain circumstances; to provide for related matters;  
 26 to provide for effective dates; to repeal conflicting laws; and for other purposes.

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

28 **SECTION 1.**

29 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and  
 30 elections generally, is amended by striking paragraphs (5), (9), (22), and (37) of Code  
 31 Section 21-2-2, relating to definitions, and inserting in lieu thereof new paragraphs (5), (9),  
 32 (22), and (37) to read as follows:

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

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

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

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

## 15 SECTION 2.

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

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



1 "21-2-33.1.

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

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

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

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

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

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

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

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

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

34 (d) Any action brought by the Attorney General to enforce civil penalties assessed against  
35 any ~~person for violating the provisions~~ any violator of this chapter or any rule or regulation  
36 duly issued by the State Election Board or any order issued by the State Election Board  
37 ordering compliance or to cease and desist from further violations shall be brought in the

1 superior court of the county of the residence of the party against whom relief is sought.  
 2 Service of process shall lie in any jurisdiction within the state. In such actions, the superior  
 3 court inquiry will be limited to whether notice was given by the State Election Board to the  
 4 violator in compliance with the Constitution and the rules of procedure of Chapter 13 of  
 5 Title 50, the 'Georgia Administrative Procedure Act.' Upon satisfaction that notice was  
 6 given and a hearing was held pursuant to Chapter 13 of Title 50, the 'Georgia  
 7 Administrative Procedure Act,' the superior court shall enforce the orders of the State  
 8 Election Board and the civil penalties assessed under this chapter and the superior court  
 9 shall not make independent inquiry as to whether the violations have occurred.

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

#### 15 SECTION 6.

16 Said chapter is further amended by striking paragraph (15) of subsection (a) of Code Section  
 17 21-2-50, relating to powers and duties of the Secretary of State, and inserting in lieu thereof  
 18 a new paragraph (15) to read as follows:

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

#### 21 SECTION 7.

22 Said chapter is further amended by striking Code Section 21-2-72, relating to primary and  
 23 election records to be open to the public, and inserting in lieu thereof a new Code Section  
 24 21-2-72 to read as follows:

25 "21-2-72.

26 Except when otherwise provided by law or court order, the primary and election records  
 27 of each ~~governing authority~~, superintendent, registrar, municipal governing authority, and  
 28 committee of a political party or body, including registration statements, nomination  
 29 petitions, affidavits, certificates, tally papers, returns, accounts, contracts, reports, and other  
 30 documents in official custody, except the contents of voting machines, shall be open to  
 31 public inspection and may be inspected and copied by any elector of the county or  
 32 municipality during usual business hours at any time when they are not necessarily being  
 33 used by the custodian or his or her employees having duties to perform in reference thereto;  
 34 provided, however, that such public inspection shall only be in the presence of the  
 35 custodian or his or her employee and shall be subject to proper regulation for the

1 safekeeping of such documents and subject to the further provisions of this chapter. The  
2 custodian shall also, upon request, if photocopying equipment is available in the building  
3 in which the records are housed, make and furnish to any member of the public copies of  
4 any of such records upon payment of the actual cost of copying the records requested."

#### 5 SECTION 8.

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

9 "21-2-73.

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

#### 14 SECTION 9.

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

18 "21-2-90.

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



**SECTION 13.**

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

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

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

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

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

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

**SECTION 14.**

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

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

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

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

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

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

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

1 earlier than the date of the call of the election and no later than 25 days prior to the  
2 election in the case of a special election;

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

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

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

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

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

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

28 (1) His or her full name and the name as the candidate desires it to be listed on the ballot,  
29 The surname of the candidate shall be the surname of the candidate as it appears on the  
30 candidate's voter registration card. Unless the candidate provides proof that his or her  
31 surname as it appears on the candidate's registration card is incorrect in which event the  
32 correct name shall be listed. After such name is submitted to the Secretary of State or the  
33 election superintendent, the form of such name shall not be changed during the election  
34 for which such notice of candidacy is submitted;

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

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

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

16 The affidavit shall contain such other information as may be prescribed by the officer with

17 whom the candidate files his or her notice of candidacy."

18 "(i) Notwithstanding any other provision of this chapter to the contrary, for general

19 elections held in the even-numbered year immediately following the official release of the

20 United States decennial census data to the states for the purpose of redistricting of the

21 legislatures and the United States House of Representatives, candidates in such elections

22 shall qualify as provided in this subsection:

23 (1) All candidates seeking election in a nonpartisan election shall file their notice of

24 candidacy and pay the prescribed qualifying fee by the date prescribed in this paragraph

25 in order to be eligible to have their names placed on the nonpartisan election ballot by the

26 Secretary of State or election superintendent, as the case may be, in the following

27 manner:

28 (A) Each candidate for the office of judge of the superior court, Judge of the Court of

29 Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his

30 or her name placed on the nonpartisan election ballot shall file a notice of candidacy,

31 giving his or her name, residence address, and the office sought, in the office of the

32 Secretary of State no earlier than 9:00 A.M. on the ~~third Wednesday in June~~ last

33 Monday in July immediately prior to the election and no later than 12:00 Noon on the

34 Friday following the ~~third Wednesday in June~~ last Monday in July, notwithstanding the

35 fact that any such days may be legal holidays; and

36 (B) Each candidate for a county judicial office, a local school board office, or an office

37 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 a notice of candidacy  
 4 in the office of the superintendent no earlier than 9:00 A.M. on the ~~third Wednesday in~~  
 5 ~~June~~ last Monday in July immediately prior to the election and no later than 12:00 Noon  
 6 on the Friday following the ~~third Wednesday in June~~ last Monday in July,  
 7 notwithstanding the fact that any such days may be legal holidays;

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

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

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

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

## 29 SECTION 15.

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

32 "(a) No person elected on a write-in vote shall be eligible to hold office unless notice of  
 33 his or her intention of candidacy was filed and published no earlier than January 1 and no  
 34 later than the Tuesday after the first Monday in September prior to the election for county,  
 35 state, and federal elections; no later than seven days after the close of the municipal  
 36 qualifying period for municipal elections in the case of a general election; ~~no earlier than~~

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

- 14 (1) In a state general or special election, notice shall be filed with the Secretary of State  
 15 and published in a newspaper of general circulation in the state;
- 16 (2) In a general or special election of county officers, notice shall be filed with the  
 17 superintendent of elections in the county in which he or she is to be a candidate and  
 18 published in the official organ of the same county; or
- 19 (3) In a municipal general or special election, notice shall be filed with the  
 20 superintendent and published in the official gazette of the municipality holding the  
 21 election."

## 22 SECTION 16.

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

27 "(1) A candidate nominated at any primary election or nominated by means other than  
 28 a primary may withdraw as a candidate at the ensuing general election by filing a  
 29 notarized affidavit of withdrawal with the Secretary of State, if nominated for a state  
 30 office; the county superintendent, if nominated for a county office; or the municipal  
 31 superintendent, if nominated for a municipal office. The qualifying fee shall not be  
 32 returned to the candidate. If the ballots have been printed, the Secretary of State or the  
 33 county or municipal superintendent may reprint the ballots to omit the name of the  
 34 withdrawn candidate. All votes cast for the withdrawn candidate shall be void and shall  
 35 not be counted. Prominent notices shall be posted in all polling places in which the name  
 36 of the withdrawn candidate appears on the ballot stating that the candidate has withdrawn

1 and that all votes cast for such withdrawn candidate shall be void and shall not be  
 2 counted. No vacancy on the ballot for a general election or for a nonpartisan election shall  
 3 be filled except by reason of the ~~withdrawal~~, death, or disqualification of a candidate or  
 4 the withdrawal of a candidate as provided in paragraph (2) of subsection (b) of this Code  
 5 section."

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

#### 17 SECTION 17.

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

21 "21-2-138.

22 The names of all candidates who have qualified with the Secretary of State for the office  
 23 of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court  
 24 of this state and the names of all candidates who have qualified with the election  
 25 superintendent for the office of judge of a state court shall be placed on the ballot in a  
 26 nonpartisan election to be held and conducted jointly with the general primary election in  
 27 each even-numbered year; ~~provided that nonpartisan elections for the office of judge of the~~  
 28 ~~state court which was covered on July 1, 2001, by a local Act of the General Assembly~~  
 29 ~~which provided for election in a nonpartisan election without a prior nonpartisan primary~~  
 30 ~~shall be held and conducted jointly with the general election in even-numbered years. No~~  
 31 candidates for any such office shall be nominated by a political party or by a petition as a  
 32 candidate of a political body or as an independent candidate. Candidates for any such  
 33 office; ~~except offices which were covered on July 1, 2001, by a local Act of the General~~  
 34 ~~Assembly which provided for election in a nonpartisan election without a prior nonpartisan~~  
 35 ~~primary~~; shall have their names placed on the nonpartisan portion of each ~~political party~~  
 36 ballot by complying with the requirements prescribed in Code Section 21-2-132

1 specifically related to such nonpartisan candidates and by paying the requisite qualifying  
 2 fees as prescribed in Code Section 21-2-131. ~~The Secretary of State may provide for the~~  
 3 ~~printing of independent ballots containing the names of the nonpartisan candidates for~~  
 4 ~~those voters not affiliated with a political party.~~ Candidates shall be listed on the official  
 5 ballot in a nonpartisan election as provided in Code Sections 21-2-284.1 and 21-2-285.1,  
 6 respectively. Except as otherwise specified in this chapter, the procedures to be employed  
 7 in conducting the nonpartisan election of judges of state courts, judges of superior courts,  
 8 Judges of the Court of Appeals, and Justices of the Supreme Court shall conform as nearly  
 9 as practicable to the procedures governing ~~general primaries and~~ general elections; and  
 10 such ~~general primary and~~ general election procedures as are necessary to complete this  
 11 nonpartisan election process shall be adopted in a manner consistent with such nonpartisan  
 12 elections."

### 13 SECTION 18.

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

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

1 ~~general election without a prior nonpartisan primary.~~ Nonpartisan elections for municipal  
2 offices shall be conducted on the dates provided in the municipal charter."

### 3 SECTION 19.

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

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

### 13 SECTION 20.

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

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

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

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

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

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

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

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

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

32 (8) That the candidate has never been convicted and sentenced in any court of competent  
33 jurisdiction for fraudulent violation of primary or election laws, malfeasance in office,  
34 or felony involving moral turpitude under the laws of this state or any other state or of the  
35 United States, or that the candidate's civil rights have been restored and that at least ten

1 years have elapsed from the date of the completion of the sentence without a subsequent  
2 conviction of another felony involving moral turpitude;

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

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

#### 7 **SECTION 21.**

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

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

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

18 ~~(1)~~ (2) His or her residence, with street and number, if any, and his or her post office  
19 address;

20 ~~(2)~~ (3) His or her profession, business, or occupation, if any;

21 ~~(3)~~ (4) The name of his or her precinct;

22 ~~(4)~~ (5) That he or she is an elector of the municipality of his or her residence and is  
23 eligible to vote in the primary election in which he or she is a candidate for nomination;

24 ~~(5)~~ (6) The name of the office he or she is seeking;

25 ~~(6)~~ (7) That he or she is eligible to hold such office;

26 ~~(7)~~ (8) That he or she has never been convicted and sentenced in any court of competent  
27 jurisdiction for fraudulent violation of primary or election laws, malfeasance in office,  
28 or felony involving moral turpitude under the laws of this state or any other state or of the  
29 United States, or that his or her civil rights have been restored; and

30 ~~(8)~~ (9) That he or she will not knowingly violate this chapter or any rules and regulations  
31 adopted under this chapter."

#### 32 **SECTION 22.**

33 Said chapter is further amended by striking subsections (c) and (e) of Code Section 21-2-212,  
34 relating to county registrars, and inserting in lieu thereof new subsections (c) and (e) to read  
35 as follows:

1 "(c) The governing authority of each municipality shall appoint registrars as necessary, and  
2 the appointments shall be entered on the minutes of ~~the~~ such governing authority. The  
3 municipal governing authority shall designate one of the registrars as chief registrar. The  
4 chief registrar will serve as such during such registrar's term of office, and such  
5 designation shall likewise be entered on the minutes of ~~the~~ such governing authority. Such  
6 registrars shall serve at the pleasure of the municipal governing authority, and  
7 compensation of the registrars shall be fixed by ~~the~~ such governing authority. Any registrar  
8 shall have the right to resign at any time by submitting a resignation to such governing  
9 authority. In the event of any such removal or resignation of a registrar, such registrar's  
10 duties and authority as such shall terminate instantly. Successors to resigned registrars  
11 shall be appointed by the municipal governing authority. Each appointment or change in  
12 designation shall be entered on the minutes of ~~the~~ such governing authority and certified  
13 by the governing authority. The municipal governing authority may furnish such  
14 employees and facilities as it deems necessary for the operation of the office and the affairs  
15 of the registrars."

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

1 employees and facilities as they deem necessary for the operation of the office and affairs  
2 of the registrars."

### 3 SECTION 23.

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

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

### 12 SECTION 24.

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

16 "(c) Except as otherwise provided in this subsection, electors who register to vote for the  
17 first time in this state by mail must present current and valid identification either when  
18 registering to vote by mail or when voting for the first time after registering to vote by  
19 mail. The current and valid identification shall be one or more of those forms of  
20 identification provided in subsection (c) of Code Section 21-2-417 or a legible copy  
21 thereof. The registrars shall make copies of any original forms of identification submitted  
22 by applicants and return the originals to the applicants. The requirement to submit  
23 identification shall not apply to:

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

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

29 (3) Persons who are entitled to vote otherwise than in person under any other federal law.

30 (d) If an applicant fails to provide all of the required information on the application for  
31 voter registration with the exception of current and valid identification, the board of  
32 registrars shall notify the registrant in writing of the missing information. The board of  
33 registrars shall not determine the eligibility of the applicant until and unless all required  
34 information is supplied by the applicant. If the initial application is received prior to the  
35 close of voter registration prior to an election, if the applicant supplies the necessary

1 information on or prior to the date of the election, and if the applicant is found eligible to  
 2 vote, the applicant shall be added to the list of electors and shall be permitted to vote in the  
 3 election and any run-off elections resulting therefrom and subsequent elections; provided,  
 4 however, that voters who registered to vote for the first time in this state by mail must  
 5 supply current and valid identification when voting for the first time as required in  
 6 subsection (c) of this Code section. In the event the elector does not respond to the request  
 7 for the missing information within 30 days, the application shall be rejected."

#### 8 **SECTION 25.**

9 Said chapter is further amended by striking subsection (g) of Code Section 21-2-224, relating  
 10 to official list of electors, and inserting in lieu thereof a new subsection (g) to read as follows:

11 "(g) The official list of electors and the official list of inactive electors prepared and  
 12 distributed to the poll officers of each precinct shall include only the elector's name,  
 13 address, ZIP Code, date of birth, voter identification number, a designation of whether the  
 14 elector registered for the first time in this state by mail and is required to comply with Code  
 15 Sections 21-2-220 and 21-2-417, congressional district, state Senate district, state House  
 16 district, county commission district, if any, county or independent board of education  
 17 district, if any, and municipal governing authority district designations, if any, and such  
 18 other voting districts, if any. The official list of electors and the official list of inactive  
 19 electors prepared and distributed to the poll officers of each precinct may also include  
 20 codes designating that an elector has voted by absentee ballot, has been challenged, or has  
 21 been sent mail by the registrars which has been returned marked undeliverable. No person  
 22 whose name does not appear on the official list of electors shall vote or be allowed to vote  
 23 at any election, except as otherwise provided in this article. The county registrars shall  
 24 ensure that the information required to notify poll officers that an elector registered to vote  
 25 for the first time in this state by mail and must comply with subsection (c) of Code Section  
 26 21-2-220 and subsection (c) of Code Section 21-2-417 is placed on each list of electors to  
 27 be used at a polling place."

#### 28 **SECTION 26.**

29 Said chapter is further amended by striking subsection (b) of Code Section 21-2-225, relating  
 30 to confidentiality of original registration applications, and inserting in lieu thereof a new  
 31 subsection (b) to read as follows:

32 "(b) All data collected and maintained on electors whose names appear on the list of  
 33 electors maintained by the Secretary of State pursuant to this article shall be available for  
 34 public inspection with the exception of bank statements submitted pursuant to subsection  
 35 ~~(b)~~ (c) of Code Section 21-2-220 and subsection (c) of Code Section 21-2-417 and the

1 social security numbers of the electors and the locations at which the electors applied to  
 2 register to vote which shall remain confidential and be used only for voter registration  
 3 purposes; provided, however, that social security numbers of electors may be made  
 4 available to other state agencies if the agency is authorized to maintain information by  
 5 social security number and the information is used only to identify the elector on the  
 6 receiving agency's data base and is not disseminated further and remains confidential."

#### 7 **SECTION 27.**

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

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

#### 20 **SECTION 28.**

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

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

#### 30 **SECTION 29.**

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



1 notification of voter precinct and polling place changes, and compilation and preparation  
 2 of the electors list as necessitated by Code Section 21-2-261.1; provided, however, that  
 3 such reimbursement of costs shall not exceed 25¢ per registered voter whose name  
 4 appeared on such county's or municipality's electors list as of January 1, 1982. Any  
 5 qualified county or municipality seeking reimbursement of such costs shall present an  
 6 itemized description of such costs to the Secretary of State. If the Secretary of State, after  
 7 a review of the report of such costs incurred by a county or municipality, shall find that all  
 8 or portions of such costs were reasonable and were directly related to the preparation of  
 9 such descriptions and lists, he or she shall approve all of those parts of the costs deemed  
 10 reasonable and shall reimburse the counties or municipalities for such expenses. Any state  
 11 funds necessary to carry out the provisions of this subsection shall come only from those  
 12 funds appropriated to the Secretary of State specifically for the purpose of implementing  
 13 the provisions of Code Section 21-2-261.1. If such funds are not sufficient to bear  
 14 completely the cost of fully implementing the provisions of Code Section 21-2-261.1,  
 15 payment to the counties or municipalities seeking assistance shall be made on a pro rata  
 16 basis subject to the availability of appropriated funds."

### 17 SECTION 31.

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

21 "21-2-267.

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

1 shall be so arranged in the voting room within the enclosed space as to be in full view of  
 2 those persons in the room outside the guardrail or barrier. The voting machine or machines  
 3 shall be placed in the voting rooms within the enclosed space so that, unless its  
 4 construction shall otherwise require, the ballot labels on the face of the machine can be  
 5 plainly seen by the poll officers when the machine is not occupied by an elector. In the  
 6 case of direct recording electronic (DRE) voting units, the units shall be arranged in such  
 7 a manner as to ensure the privacy of the elector while voting on such units, to allow  
 8 monitoring of the units by the poll officers while the polls are open, and to permit the  
 9 public to observe the voting without affecting the privacy of the electors as they vote.

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

#### 14 **SECTION 32.**

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

18 "21-2-268.

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

#### 24 **SECTION 33.**

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

28 "21-2-280.

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



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

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

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

'OFFICIAL NONPARTISAN PRIMARY BALLOT OF

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

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

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

### SECTION 36.

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

"(e) When presidential electors are to be elected, the ballot shall not list the individual names of the nominees candidates for presidential electors but shall list the names of each political party or body for such offices shall be arranged alphabetically under or body and the names of the candidates of the party or body for the offices of President and Vice President of the United States. The individual names or the nominees of each political party or body for such offices shall be posted at each polling place arranged alphabetically under the names of the candidates of the party or body for President and Vice President of 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 37.**

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."

**SECTION 38.**

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

"21-2-320.

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

**SECTION 39.**

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

"21-2-321.

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

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

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

(d) The election on such question shall be held at the places, during the hours, and under the regulations provided by law for holding general elections and shall be conducted by the poll officers provided by law to conduct such elections. The poll officers shall count the votes cast at the election on such question and shall make return thereof to the superintendent of such ~~county~~ or municipality as required by law. The returns shall be computed by the superintendent and, when so computed, a certificate of the total number of electors voting 'Yes' and of the total number of electors voting 'No' on such question

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 40.

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 41.

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 42.

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 43.

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 44.**

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 45.**

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 46.**

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 subsection (b) of Code Section 21-2-369, relating to printing of optical scanning ballots, and inserting in lieu thereof a new subsection (b) to read as follows:

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

**SECTION 48.**

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

"(b) On or before the third day preceding a primary or election, including special primaries, special elections, and referendum elections, the superintendent shall have the optical scanning tabulators tested to ascertain that they will correctly count the votes cast for all offices and on all questions. 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, candidates, news media, and the public shall be permitted to observe such tests. The test shall be conducted by processing a preaudited group of ballots so marked as to record a predetermined number of valid votes for each candidate and on each question and shall include for each office one or more ballots which are improperly marked and one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the optical scanning tabulator to reject such votes. The optical scanning tabulator shall not be approved unless it produces an errorless count. If any error is detected, the cause therefor shall be ascertained and corrected; and an errorless count shall be made before the tabulator is approved. The superintendent shall cause the pretested tabulators to be placed at the various polling places to be used in the primary or election. The superintendent shall require that each optical scanning tabulator be thoroughly tested and inspected prior to each primary and election in which it is used and shall keep such tested material as certification of an errorless count on each tabulator. In counties using central count optical scanning tabulators, the same test shall be repeated immediately before the start of the official count of the ballots and at the conclusion of such count. Precinct tabulators shall produce a zero tape prior to any ballots being inserted on the day of any primary or election."

**SECTION 49.**

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 50.**

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        (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~~ State Election Board may request in writing on one  
19 application a ballot for a primary as well as for any runoffs resulting therefrom and for  
20 the election for which such primary shall nominate candidates as well as any runoffs  
21 resulting therefrom. If not so requested by such person a separate and distinct  
22 application shall be required for each primary, run-off primary, election, and run-off  
23 election. Except as otherwise provided in this paragraph, a separate and distinct  
24 application for an absentee ballot shall always be required for the presidential  
25 preference primary held pursuant to Article 5 of this chapter and for any special  
26 election or special primary.

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

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

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

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

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

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

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

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

34 (c) In those counties or municipalities in which the absentee ballot clerk or board of  
35 registrars provides application forms for absentee ballots, the clerk or board shall provide  
36 such quantity of the application form to the dean of each college or university located in  
37 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~~ State Election Board is authorized to promulgate reasonable  
 25 rules and regulations for the implementation of paragraph (1) of subsection (a) of this Code  
 26 section. Said rules and regulations may include provisions for the limitation of  
 27 opportunities for fraudulent application, including, but not limited to, comparison of voter  
 28 registration records with death certificates."

## 29 SECTION 52.

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 53.

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 54.

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) An elector who registered to vote by mail, but did not comply with subsection (c)  
 36 of Code Section 21-2-220, and who votes for the first time in this state by absentee

1 ballot shall include with his or her application for an absentee ballot or in the outer oath  
2 envelope of his or her absentee ballot either one of the forms of identification listed in  
3 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank  
4 statement, government check, paycheck, or other government document that shows the  
5 name and address of such elector. If such elector does not provide any of the forms of  
6 identification listed in this subparagraph with his or her application for an absentee  
7 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a  
8 provisional ballot and such ballot shall only be counted if the registrars are able to  
9 verify current and valid identification of the elector as provided in this subparagraph  
10 within the time period for verifying provisional ballots pursuant to Code Section  
11 21-2-419.

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

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

28 (G) Notwithstanding any provision of this chapter to the contrary, until the United  
29 States Department of Defense notifies the Secretary of State that the Department of  
30 Defense has implemented a system of expedited absentee voting for those electors  
31 covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by  
32 eligible absentee electors who reside outside the county or municipality in which the  
33 primary runoff or election runoff is held and are members of the armed forces of the  
34 United States, members of the merchant marine of the United States, spouses or  
35 dependents of members of the armed forces or merchant marine residing with or  
36 accompanying such members, or overseas citizens that are postmarked by the date of  
37 such primary, election, or runoff and are received within the three day period following

1 such primary, election, or runoff, if proper in all other respects, shall be valid ballots  
 2 and shall be counted and included in the certified election results."

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

#### 16 SECTION 55.

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

20 "21-2-387.

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

#### 26 SECTION 56.

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

30 "(a) Prior to each primary and election, the superintendent shall obtain from the Secretary  
 31 of State a sufficient number of cards of instruction for guidance of electors. Such cards of  
 32 instruction shall include such portions of this chapter as deemed necessary by the Secretary  
 33 of State and shall be printed for the type of voting equipment or ballots used in the county  
 34 or municipality. The superintendent shall also obtain from the Secretary of State a  
 35 sufficient number of blank forms of oaths of poll officers, voter's certificates, voting rights

1 posters, notices of penalties, oaths of assisted electors, numbered list of voters, tally sheets,  
 2 return sheets, and such other forms and supplies required by this chapter, in each precinct  
 3 of the county or municipality."

#### 4 **SECTION 57.**

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

8 "(a)(1) In a primary or run-off primary, each candidate entitled to have his or her name  
 9 placed on the primary or run-off primary ballot may submit the name of one poll watcher  
 10 for each precinct in which he or she wishes to have an observer to the chairperson or  
 11 secretary of the appropriate party executive committee at least 21 days prior to such  
 12 primary or 14 days prior to such run-off primary. The appropriate party executive  
 13 committee shall designate at least seven days prior to such primary or run-off primary no  
 14 more than two poll watchers for each precinct, such poll watchers to be selected by the  
 15 committee from the list submitted by party candidates. Official poll watchers shall be  
 16 given a letter signed by the party chairperson and secretary, if designated by a political  
 17 party, containing the following information: name of official poll watcher, address,  
 18 precinct in which he or she shall serve, and name and date of primary or run-off primary.  
 19 At least three days prior to the primary, a copy of the letter shall be delivered to the  
 20 superintendent of the county or municipality in which the poll watcher is to serve.

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

1 (b)(1) In an election or run-off election, each political party and political body shall each  
 2 be entitled to designate, at least seven days prior to such election or run-off election, no  
 3 more than two official poll watchers in each precinct to be selected by the appropriate  
 4 party or body executive committee. Each independent candidate shall be entitled to  
 5 designate one poll watcher in each precinct. In addition, candidates running in a  
 6 nonpartisan election shall be entitled to designate one poll watcher in each precinct. Each  
 7 poll watcher shall be given a letter signed by the appropriate political party or body  
 8 chairperson and secretary, if a party or body designates same, or by the independent or  
 9 nonpartisan candidate, if named by the independent or nonpartisan candidate. Such letter  
 10 shall contain the following information: name of official poll watcher, address, precinct  
 11 in which he or she shall serve, and date of election or run-off election. At least three days  
 12 prior to the election, a copy of the letter shall be delivered to the superintendent of the  
 13 county or municipality in which the poll watcher is to serve.

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

34 (3)(A) In an election or run-off election, each political party and political body shall  
 35 each be entitled to designate, at least seven days prior to the beginning of the advance  
 36 voting period for such election or run-off election, no more than two official poll  
 37 watchers for each location at which advance voting is conducted pursuant to subsection

1 (b) of Code Section 21-2-380 to be selected by the appropriate party or body executive  
2 committee. Each independent candidate shall be entitled to designate one poll watcher  
3 for each location at which advance voting is conducted pursuant to subsection (b) of  
4 Code Section 21-2-380. In addition, candidates running in a nonpartisan election shall  
5 be entitled to designate one poll watcher for each location at which advance voting is  
6 conducted pursuant to subsection (b) of Code Section 21-2-380. Each poll watcher  
7 shall be given a letter signed by the appropriate political party or body chairperson and  
8 secretary, if a party or body designates same, or by the independent or nonpartisan  
9 candidate, if named by the independent or nonpartisan candidate. Such letter shall  
10 contain the following information: name of official poll watcher, address, precinct in  
11 which he or she shall serve, and date of election or run-off election. At least three days  
12 prior to the beginning of the advance voting period for such election, a copy of the letter  
13 shall be delivered to the superintendent and the chief registrar of the county or  
14 municipality in which the poll watcher is to serve.

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

1 advance voting period for such election, a copy of the letter shall be delivered to the  
 2 superintendent and chief registrar of each county in which the poll watcher might  
 3 serve."

#### 4 SECTION 58.

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

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

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

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

#### 26 SECTION 59.

27 Said chapter is further amended by striking Code Section 21-2-417, relating to form of  
 28 proper identification at polls, and inserting in lieu thereof a new Code Section 21-2-417 to  
 29 read as follows:

30 "21-2-417.

31 (a) ~~Each~~ Except as provided in subsection (c) of this Code section, each elector shall  
 32 present proper identification to a poll worker at or prior to completion of a voter's  
 33 certificate at any polling place and prior to such person's admission to the enclosed space  
 34 at such polling place. Proper identification shall consist of any one of the following:

- 1 (1) A ~~valid~~ Georgia driver's license which was properly issued by the appropriate state  
 2 agency;
- 3 (2) A valid identification card issued by a branch, department, agency, or entity of the  
 4 State of Georgia, any other state, or the United States authorized by law to issue personal  
 5 identification, provided that such identification card contains a photograph of the elector;
- 6 (3) A valid United States passport;
- 7 (4) A valid employee identification card containing a photograph of the elector and  
 8 issued by any branch, department, agency, or entity of the United States government, this  
 9 state, or any county, municipality, board, authority, or other entity of this state;
- 10 ~~(5) A valid employee identification card containing a photograph of the elector and~~  
 11 ~~issued by any employer of the elector in the ordinary course of such employer's business;~~
- 12 ~~(6) A valid student identification card containing a photograph of the elector from any~~  
 13 ~~public or private college, university, or postgraduate technical or professional school~~  
 14 ~~located within the State of Georgia;~~
- 15 ~~(7) A valid Georgia license to carry a pistol or revolver;~~
- 16 ~~(8) A valid pilot's license issued by the Federal Aviation Administration or other~~  
 17 ~~authorized agency of the United States;~~
- 18 ~~(9)~~(5) A valid United States military identification card, provided that such  
 19 identification card contains a photograph of the elector; or
- 20 ~~(10)~~(6) A certified copy of the elector's birth certificate; A valid tribal identification card  
 21 containing a photograph of the elector.
- 22 ~~(11) A valid social security card;~~
- 23 ~~(12) Certified naturalization documentation;~~
- 24 ~~(13) A certified copy of court records showing adoption, name, or sex change;~~
- 25 ~~(14) A current utility bill, or a legible copy thereof, showing the name and address of the~~  
 26 ~~elector;~~
- 27 ~~(15) A bank statement, or a legible copy thereof, showing the name and address of the~~  
 28 ~~elector;~~
- 29 ~~(16) A government check or paycheck, or a legible copy thereof, showing the name and~~  
 30 ~~address of the elector; or~~
- 31 ~~(17) A government document, or a legible copy thereof, showing the name and address~~  
 32 ~~of the elector.~~
- 33 (b) If Except as provided in subsection (c) of this Code section, if an elector is unable to  
 34 produce any of the items of identification listed in subsection (a) of this Code section, he  
 35 or she shall sign a statement under oath in a form approved by the Secretary of State,  
 36 separate and distinct from the elector's voter certificate, swearing or affirming that he or  
 37 she is the person identified on the elector's voter certificate. Such person shall be allowed

1 to vote ~~without undue delay; provided, however, that an elector who registered for the first~~  
 2 ~~time in this state by mail and did not provide one of the forms of identification set forth in~~  
 3 ~~subsection (a) of this Code section at the time of registration and who is voting for the first~~  
 4 ~~time may vote~~ a provisional ballot pursuant to Code Section 21-2-418 upon swearing or  
 5 affirming that the elector is the person identified in the elector's voter certificate. Such  
 6 provisional ballot shall only be counted if the registrars are able to verify current and valid  
 7 identification of the elector as provided in subsection (a) of this Code section within the  
 8 time period for verifying provisional ballots pursuant to Code Section 21-2-419. Falsely  
 9 swearing or affirming such statement under oath shall be punishable as a felony, and the  
 10 penalty shall be distinctly set forth on the face of the statement.

11 (c) An elector who registered to vote by mail, but did not comply with subsection (c) of  
 12 Code Section 21-2-220, and who votes for the first time in this state shall present to the poll  
 13 workers either one of the forms of identification listed in subsection (a) of this Code section  
 14 or a copy of a current utility bill, bank statement, government check, paycheck, or other  
 15 government document that shows the name and address of such elector. If such elector  
 16 does not have any of the forms of identification listed in this subsection, such elector may  
 17 vote a provisional ballot pursuant to Code Section 21-2-418 upon swearing or affirming  
 18 that the elector is the person identified in the elector's voter certificate. Such provisional  
 19 ballot shall only be counted if the registrars are able to verify current and valid  
 20 identification of the elector as provided in this subsection within the time period for  
 21 verifying provisional ballots pursuant to Code Section 21-2-419. Falsely swearing or  
 22 affirming such statement under oath shall be punishable as a felony, and the penalty shall  
 23 be distinctly set forth on the face of the statement."

#### 24 SECTION 60.

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

27 "21-2-418.

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

34 (b) Such person voting a provisional ballot shall complete an official voter registration  
 35 form and a provisional ballot voting certificate which shall include information about the  
 36 place, manner, and approximate date on which the person registered to vote. The person

1 shall swear or affirm in writing that he or she previously registered to vote in such primary  
2 or election, is eligible to vote in such primary or election, has not voted previously in such  
3 primary or election, and meets the criteria for registering to vote in such primary or  
4 election. The form of the provisional ballot voting certificate shall be prescribed by the  
5 Secretary of State. The person shall also present the identification required by Code  
6 Section 21-2-417.

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

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

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

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

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

32 (h) Notwithstanding any other provision of this chapter to the contrary, in the event that  
33 the voting machines or DRE units at a polling place malfunction and cannot be used to cast  
34 ballots or some other emergency situation exists which prevents the use of such equipment  
35 to cast votes, provisional ballots may be used by the electors at the polling place to cast  
36 their ballots. In such event, the ballots cast by electors whose names appear on the electors  
37 list for such polling place shall not be considered provisional ballots and shall not require

1 verification as provided by Code Section 21-2-419; provided, however, that persons whose  
 2 names do not appear on the electors list for such polling place shall vote provisional ballots  
 3 which shall be subject to verification under Code Section 21-2-419."

#### 4 **SECTION 61.**

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

8 "21-2-430.

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

#### 22 **SECTION 62.**

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

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

33 (2) The managers, before opening the envelope containing the keys which unlock the  
 34 operating mechanism and registering counters or counter compartment of the voting  
 35 machine, shall examine the number of the seal on the machine and the number registered

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

### 27 **SECTION 63.**

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

31 "21-2-501.

32 (a) Except as otherwise provided in this Code section, no candidate shall be nominated for  
 33 public office in any primary or special primary or elected to public office in any election  
 34 or special election unless such candidate shall have received a majority of the votes cast  
 35 to fill such nomination or public office. In instances where no candidate receives a  
 36 majority of the votes cast, a run-off primary, special primary runoff, run-off election, or

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

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

35 (c) In instances in which no municipal candidate receives a majority of the votes cast and  
36 the municipal charter or ordinances do not provide for nomination or election by a plurality  
37 vote, a run-off primary or election shall be held between the candidates receiving the two

1 highest numbers of votes. Such runoff shall be held on the ~~twenty-first~~ twenty-eighth day  
2 after the day of holding the first primary or election, unless such run-off date is postponed  
3 by court order. Only the electors entitled to vote in the first primary or election shall be  
4 entitled to vote in any run-off primary or election resulting therefrom; provided, however,  
5 that no elector shall vote in a run-off primary in violation of Code Section 21-2-216. The  
6 run-off primary or election shall be a continuation of the first primary or election, and only  
7 those votes cast for the candidates receiving the two highest numbers of votes in the first  
8 primary or election shall be counted. No write-in votes may be cast in such a primary,  
9 run-off primary, or run-off election. If any candidate eligible to be in a runoff withdraws,  
10 dies, or is found to be ineligible, the remaining candidates receiving the two highest  
11 numbers of votes shall be the candidates in such runoff. The municipal candidate receiving  
12 the highest number of the votes cast in such run-off primary or run-off election to fill the  
13 nomination or public office sought shall be declared the winner.

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

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

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

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

1 ~~who were duly registered to vote and not subsequently deemed disqualified to vote for that~~  
 2 ~~particular office in such general election shall be entitled to vote therein, and only those~~  
 3 ~~votes cast for the persons designated as candidates in such runoff shall be counted in the~~  
 4 ~~tabulation and canvass of the votes cast."~~

#### 5 **SECTION 64.**

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

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

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

#### 25 **SECTION 65.**

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

27 "21-2-603.

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

1 to have been committed, by one-half the maximum fine to which he or she could have been  
2 subjected if he or she had been convicted of such crime, or both. A person convicted of the  
3 offense of conspiracy to commit election fraud involving a violation of this chapter which  
4 is a misdemeanor shall be punished as for a misdemeanor."

#### 5 **SECTION 66.**

6 Code Section 40-5-103 of the O.C.G.A., relating to fee for identification cards, is amended  
7 by adding a new subsection (d) to read as follows:

8 "(d) The department shall not be authorized to collect a fee for an identification card from  
9 any person:

10 (1) Who swears under oath that he or she is indigent and cannot pay the fee for an  
11 identification card, that he or she desires an identification card in order to vote in a  
12 primary or election in Georgia, and that he or she does not have any other form of  
13 identification that is acceptable under Code Section 21-2-417 for identification at the  
14 polls in order to vote; and

15 (2) Who produces evidence that he or she is registered to vote in Georgia.

16 This subsection shall not apply to a person who has been issued a driver's license in this  
17 state."

#### 18 **SECTION 67.**

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

#### 26 **SECTION 68.**

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

#### 29 **SECTION 69.**

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