

House Bill 1112

By: Representatives Geisinger of the 48th, Scott of the 153rd, Burns of the 157th, Oliver of the 83rd, Hamilton of the 23rd, and others

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 elections and primaries generally, so as to amend provisions relating to the completion of a
3 certification program by municipal election superintendents; to provide for certain election
4 officials to be certified by a certain date; to provide for a possible waiver of the certification
5 requirement for a municipality in certain circumstances; to provide for a special election for
6 a United States congressional representative in the event of an extraordinary circumstance
7 where there are more than 100 vacancies in the United States House of Representatives; to
8 provide for filing notice of candidacy in the event of extraordinary circumstances; to revise
9 certain provisions relating to the return of qualifying fees to candidates; to provide that
10 certain information about electors shall be made available to certain state agencies; to
11 provide that the Secretary of State may obtain certain felony conviction information; to
12 provide for the making of application for absentee ballot in the event of extraordinary
13 circumstances; to provide for the determination of eligibility; to remove certain requirements
14 as to the oaths or declarations of assisted electors; to revise certain provisions relating to
15 interference with primaries and elections; to provide for the issuance of a writ of election in
16 extraordinary circumstances; to revise certain provisions relating to interference with and the
17 influencing of electors; to revise provisions relating to voting by unqualified electors; to
18 provide for related matters; to repeal conflicting laws; and for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 style="text-align:center">**SECTION 1.**

21 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
22 primaries generally, is amended by revising paragraph (14) of Code Section 21-2-70, relating
23 to the powers and duties of municipal election superintendents, as follows:

24 "(14) To become certified by satisfactorily completing a certification program approved
25 by the Secretary of State no later than January 1, 2007. Such program may include
26 instruction on, and may require the superintendent to demonstrate proficiency in, the

1 ~~operation of the state's direct recording electronic voting equipment and in state and~~
 2 ~~federal law and procedures related to elections. In the case of boards of elections or~~
 3 ~~boards of elections and registration, this requirement may be satisfied either by the~~
 4 ~~certification of the members of the board or the board's designee as set forth in Code~~
 5 ~~Section 21-2-101; and"~~

6 **SECTION 2.**

7 Said chapter is further amended by revising Code Section 21-2-70.1, relating to the
 8 completion of the certification program by municipal superintendents, board of elections, or
 9 election board designee, as follows:

10 "21-2-70.1.

11 (a) The municipal superintendent shall conduct, in accordance with this chapter, all
 12 municipal elections held within his or her municipality.

13 (b) The municipal superintendent shall be a person or committee selected by the governing
 14 authority of the municipality in a public meeting, and such selection shall be recorded in
 15 the minutes of such meeting. The municipal superintendent shall receive compensation
 16 fixed and paid by the governing authority of the municipality from municipal funds. The
 17 appointment shall be made in a public meeting, and the appointment shall be recorded in
 18 the minutes of said meeting. In the event that a municipality fails to make an appointment,
 19 the city clerk shall serve as the municipal superintendent. A parent, spouse, child, brother,
 20 sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or
 21 sister-in-law of a candidate shall not be eligible to serve as a municipal superintendent in
 22 any primary or election in which such candidate's name appears on the ballot.

23 ~~(c) As prescribed and directed by the Secretary of State, the municipal superintendent or,~~
 24 ~~in the case of a board of elections or board of elections and registration, its designee shall~~
 25 ~~satisfactorily complete a certification program approved by the Secretary of State no later~~
 26 ~~than January 1, 2007. Such program may include instruction on, and may require the~~
 27 ~~superintendent to demonstrate proficiency in, the operation of the voting equipment used~~
 28 ~~in such superintendent's municipality and in state and federal law and procedures related~~
 29 ~~to elections."~~

30 **SECTION 3.**

31 Said chapter is further amended by revising Code Section 21-2-101, relating to certification
 32 program for election superintendents or election board designee and waiver of certification,
 33 as follows:

1 "21-2-101.

2 (a) All county and municipal election superintendents or, in the case of a board of elections
3 or a board of elections and registration, the designee of such board charged with the daily
4 operations of such board shall become certified by completing a certification program
5 approved by the Secretary of State by no later than December 31 of the year in which they
6 are appointed. Such program may include instruction on, and may require the
7 superintendent to demonstrate proficiency in, the operation of the state's direct recording
8 electronic voting equipment, the operation of the voting equipment used in such
9 superintendent's jurisdiction, and in state and federal law and procedures related to
10 elections. The local government employing the superintendent or designee shall cover the
11 costs, if any, incurred by such ~~superintendent~~ superintendent's or designee's participation
12 in the certification program. Such certification programs shall be offered by the Secretary
13 of State on multiple occasions before December 31 of the year in which such
14 superintendents or designees are appointed and shall not exceed 64 hours of classroom,
15 online, and practical instruction as authorized and approved by the Secretary of State.

16 (b) Any county or municipal election superintendent appointed prior to January 1, 2008,
17 who has not met the certification requirement shall complete a certification program
18 approved by the Secretary of State by no later than December 31, 2008.

19 ~~(b)(c)(1)~~ A full, partial, or conditional waiver of the certification requirement, ~~either in~~
20 ~~whole or in part~~, may be granted by the Secretary of State, in the discretion of the
21 Secretary of State, upon the presentation of evidence by the election superintendent or
22 board that the individual was unable to complete such training due to medical disability,
23 providential cause, or other reason deemed sufficient by the Secretary of State.

24 (2) In the event that a municipality authorizes a county to conduct its elections pursuant
25 to Code Section 21-2-45, the municipality may be granted by the Secretary of State, in
26 the discretion of the Secretary of State, a waiver of the certification requirement, provided
27 that the superintendent in charge of running the municipal election shall have previously
28 completed a certification program approved by the Secretary of State and has
29 demonstrated a proficiency in the operation of the voting equipment used in said
30 municipality.

31 ~~(c)(d)~~ A superintendent and the county or municipal governing authority which employs
32 the such superintendent may be fined by the State Election Board for failure to attain the
33 certification required in this Code section."

SECTION 4.

Said chapter is further amended by revising subsection (d) of Code Section 21-2-132, relating to filing notice of candidacy, nomination petition, affidavit, and payment of qualifying fee, as follows:

"(d) Except as provided in subsection (i) of this Code section, all political body and independent candidates 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 election ballot by the Secretary of State or election superintendent, as the case may be, in the following manner:

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

(2) Each candidate for a county office, or his or her agent, desiring to have his or her name placed on the election ballot shall file notice of his or her candidacy in the office of the superintendent of his or her county no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in June in the case of a general election and no earlier than the date of the call of the election and no later than 25 days prior to the election in the case of a special election;

(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 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, 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; and

(4)(A) In extraordinary circumstances as described in Code Section 21-2-543.1, each candidate, or his or her agent, desiring to have his or her name placed on the election ballot shall file a notice of his or her candidacy, giving his or her name, residence

1 address, and the office he or she is seeking, with the Office of the Secretary of State no
 2 earlier than the date of the call of the special election and not later than ten days after
 3 the announcement of such extraordinary circumstances.

4 (B) The provisions of this subsection shall not apply where, during the 75 day period
 5 beginning on the date of the announcement of the vacancy:

6 (i) A regularly scheduled general election for the vacant office is to be held; or

7 (ii) Another special election for the vacant office is to be held pursuant to a writ for
 8 a special election issued by the Governor prior to the date of the announcement of the
 9 vacancy.

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

16 SECTION 5.

17 Said chapter is further amended by revising subsections (a), (b), and (e) of Code Section
 18 21-2-134, relating to withdrawal, death, or disqualification of candidate for office and
 19 nomination certificates, as follows:

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

35 (2) A candidate in a general or special primary may withdraw as a candidate after
 36 qualifying but prior to the date of the general or special primary by filing a notarized

1 affidavit of withdrawal with the Secretary of State, if qualifying for a state office; the
 2 county election superintendent, if qualifying for a county office; or the municipal
 3 superintendent, if qualifying for a municipal office. A candidate of a political body or
 4 an independent candidate in a general or special election may withdraw as a candidate
 5 after qualifying but prior to the date of the general or special election by filing a notarized
 6 affidavit of withdrawal with the Secretary of State, if qualifying for a state office; the
 7 county election superintendent, if qualifying for a county office; or the municipal
 8 superintendent, if qualifying for a municipal office. ~~The qualifying fee shall not be~~
 9 ~~returned to the candidate.~~ If the ballots have been printed, the Secretary of State, the
 10 county election superintendent, or the municipal superintendent may reprint the ballots
 11 to omit the name of the withdrawn candidate. All votes cast for the withdrawn candidate
 12 shall be void and shall not be counted. Prominent notices shall be posted in all polling
 13 places in which the name of the withdrawn candidate appears on the ballot stating that
 14 ~~the~~ such candidate has withdrawn and that all votes cast for such withdrawn candidate
 15 shall be void and shall not be counted.

16 (b)(1) Any vacancy in any party nomination filled by a primary created by reason of the
 17 death or disqualification of a candidate occurring after nomination may be filled in the
 18 following manner:

19 (A) In the case of a public office to be filled by the vote of the electors of ~~the~~ this entire
 20 state in which the vacancy occurs after nomination but at least ten days prior to the
 21 election to fill the public office sought by such candidate, the vacancy may be filled by
 22 a substitute nomination made by a convention composed of the delegates of the county
 23 executive committee of such party in each county of ~~the~~ this state. Immediately upon
 24 such vacancy occurring, the state executive committee or a subcommittee thereof
 25 appointed for the purpose shall fix a time within six days of the occurrence of such
 26 vacancy; shall select and provide a convenient place for the holding of such a
 27 convention, which shall be open to the public; and shall give notice thereof to the
 28 chairperson and secretary of each county executive committee. Each county executive
 29 committee shall be entitled to select the number of delegates apportioned to it by the
 30 state executive committee; provided, however, that each county executive committee
 31 shall be entitled to select at least one delegate. Such apportionment of delegates among
 32 the counties shall be based substantially upon the population of ~~the~~ this state according
 33 to the last United States decennial census or upon the number of votes cast within ~~the~~
 34 this state for the party's candidates for presidential electors in the last presidential
 35 election. A two-thirds' majority of the delegates of such county executive committees
 36 shall constitute a quorum for the transaction of business, and a majority of the delegates
 37 present while a quorum exists shall be sufficient to fill such nomination by a substitute

1 nomination. Each delegate shall have one vote, and all votes taken shall be by a
2 roll-call vote. The records of the convention shall be filed with the state executive
3 committee. In the event such a vacancy in party nomination shall occur during the ten
4 days preceding the day of such an election, such vacancy may be filled by a substitute
5 nomination made by the state executive committee or a subcommittee thereof appointed
6 for that purpose;

7 (B) In the case of a public office for which a candidate must qualify with the state
8 executive committee, except a public office to be filled by the vote of the electors of the
9 entire state, the nomination may remain vacant or may be filled at the decision of the
10 state executive committee of the party. The decision whether to fill such vacancy shall
11 be made by the state executive committee by 4:00 P.M. on the next business day
12 following the actual knowledge of the death or disqualification of the candidate. The
13 decision of the state executive committee shall be immediately transmitted to the
14 Secretary of State. If the Secretary of State has not been notified of the decision of the
15 state executive committee by 4:30 P.M. on the next business day following the actual
16 knowledge of the vacancy, it shall be conclusively presumed that the state executive
17 committee has decided not to fill the vacancy. If the state executive committee decides
18 not to fill the vacancy, the nomination shall remain vacant. If the state executive
19 committee decides to fill the vacancy, the vacancy shall be filled by a substitute
20 nomination made by the state executive committee or a subcommittee thereof appointed
21 for that purpose;

22 (C) In the case of a public office for which a candidate must qualify with the county
23 executive committee, the nomination may remain vacant or may be filled at the
24 decision of the state executive committee of the party. The state executive committee
25 or a subcommittee thereof may determine on its own whether to fill the vacancy but is
26 authorized, though not required, to seek the recommendation of any of the following
27 persons for the purpose of determining whether to fill the vacancy: the county executive
28 committee, if any; persons from the area who are active in the party; persons who are
29 present or former officials of the party; persons who presently hold political office or
30 have sought political office as candidates of the party; or such other persons as the
31 committee or subcommittee may desire to consult. The decision whether to fill such
32 vacancy shall be made by the state executive committee by 4:00 P.M. on the next
33 business day following the actual knowledge of the death or disqualification of the
34 candidate. The decision of the state executive committee shall be immediately
35 transmitted to the county superintendent. If the county superintendent has not been
36 notified of the decision of the state executive committee by 4:30 P.M. on the next
37 business day following the actual knowledge of the vacancy, it shall be conclusively

1 presumed that the state executive committee has decided not to fill the vacancy. If the
 2 state executive committee decides not to fill the vacancy, the nomination shall remain
 3 vacant. If the state executive committee decides to fill the vacancy, the vacancy shall
 4 be filled by a substitute nomination made by the state executive committee or a
 5 subcommittee thereof appointed for that purpose. The state executive committee or a
 6 subcommittee thereof may determine on its own who shall fill the vacancy as a
 7 substitute nominee but is authorized, though not required, to seek the recommendation
 8 of any of the following persons for the purpose of determining the most suitable
 9 substitute nomination: the county executive committee, if any; persons from the area
 10 who are active in the party; persons who are present or former officials of the party;
 11 persons who presently hold political office or have sought political office as candidates
 12 of the party; or such other persons as the committee or subcommittee may desire to
 13 consult; and

14 (D) In the case of a public office for which a candidate must qualify with the municipal
 15 executive committee, the nomination may remain vacant or may be filled at the
 16 decision of the municipal executive committee of the party. The decision whether to
 17 fill such vacancy shall be made by the municipal executive committee by 4:00 P.M. on
 18 the next business day following the actual knowledge of the death or disqualification
 19 of the candidate. The decision of the municipal executive committee shall be
 20 immediately transmitted to the municipal superintendent. If the municipal
 21 superintendent has not been notified of the decision of the municipal executive
 22 committee by 4:30 P.M. on the next business day following the actual knowledge of the
 23 vacancy, it shall be conclusively presumed that the municipal executive committee has
 24 decided not to fill the vacancy. If the municipal executive committee decides not to fill
 25 the vacancy, the nomination shall remain vacant. If the municipal executive committee
 26 decides to fill the vacancy, the vacancy shall be filled by a substitute nomination made
 27 by the municipal executive committee or a subcommittee thereof appointed for that
 28 purpose.

29 (2) Any vacancy which occurs in any party nomination filled by a primary and which is
 30 created by reason of the withdrawal of a candidate 60 or more days prior to the date of
 31 the election shall be filled as follows:

32 (A) By the person seeking nomination in such primary who received the second
 33 highest total of votes cast in such primary for that office, provided that such person
 34 received not less than 40 percent of the votes cast for that office; or

35 (B) In the event no person received the vote total required under subparagraph (A) of
 36 this paragraph, such vacancy shall be filled in the same manner as provided in
 37 subparagraph (A), (B), (C), or (D) of paragraph (1) of this subsection, as appropriate.

1 (3) Any vacancy which occurs in any party nomination filled by a primary and which is
 2 created by reason of the withdrawal of a candidate less than 60 days prior to the date of
 3 the election shall not be filled. ~~The qualifying fee shall not be returned to the candidate.~~
 4 If the ballots have been printed, the Secretary of State, ~~or~~ the county superintendent, or
 5 the municipal superintendent may reprint the ballots to omit the name of the withdrawn
 6 candidate. All votes cast for the withdrawn candidate shall be void and shall not be
 7 counted. Prominent notices shall be posted in all polling places in which the name of the
 8 withdrawn candidate appears on the ballot stating that ~~the~~ such candidate has withdrawn
 9 and that all votes cast for such withdrawn candidate shall be void and shall not be
 10 counted."

11 "~~(e) Reserved.~~ The qualifying fee shall be returned to the candidate prior to the close of
 12 the qualifying period; however, after the close of the qualifying period, the qualifying fee
 13 shall not be returned to the candidate for any reason including withdrawal, death, or
 14 disqualification."

15 SECTION 6.

16 Said chapter is further amended by revising subsection (b) of Code Section 21-2-225, relating
 17 to limitations on registration data available for public inspection, as follows:

18 "(b) All data collected and maintained on electors whose names appear on the list of
 19 electors maintained by the Secretary of State pursuant to this article shall be available for
 20 public inspection with the exception of bank statements submitted pursuant to subsection
 21 (c) of Code Section 21-2-220 and subsection (c) of Code Section 21-2-417, ~~and the date~~
 22 of birth, the social security numbers, and driver's license numbers of the electors, ~~and the~~
 23 locations at which the electors applied to register to vote, ~~which shall remain confidential~~
 24 and shall be used only for voter registration purposes; provided, however, that any and all
 25 information relating to the dates of birth, social security numbers, and driver's license
 26 numbers of electors may be made available to other state agencies if the agency is
 27 authorized to maintain such information ~~by social security number~~ and the information is
 28 used only to identify the elector on the receiving agency's data base and is not disseminated
 29 further and remains confidential."

30 SECTION 7.

31 Said chapter is further amended by revising subsections (a) and (d) of Code Section
 32 21-2-231, relating to lists of persons convicted of felonies, as follows:

33 "(a) ~~The~~ Unless otherwise notified by the Secretary of State, the clerk of the superior court
 34 of each county shall, on or before the tenth day of each month, prepare and transmit to the
 35 Secretary of State, in a format as prescribed by the Secretary of State, a complete list of all

1 persons, including addresses, ages, and other identifying information as prescribed by the
 2 Secretary of State, who were convicted of a felony involving moral turpitude during the
 3 preceding calendar month in ~~the~~ that county. The Secretary of State may, by agreement
 4 with the commissioner of the Department of Corrections, obtain criminal information
 5 relating to the conviction, sentencing, and completion of sentencing requirements of
 6 felonies involving moral turpitude. Additionally, the Secretary of State shall be authorized
 7 to obtain such criminal information relating to Georgia electors convicted of felonies
 8 involving moral turpitude, if possible, from other states."

9 "(d) Unless otherwise notified by the Secretary of State, the local registrar of vital
 10 statistics of each county shall, on or before the tenth day of each month, prepare and
 11 transmit to the Secretary of State, in a format as prescribed by the Secretary of State, a
 12 complete list of all persons, including addresses, ages, and other identifying information
 13 as prescribed by the Secretary of State, who died during the preceding calendar month in
 14 the county. The Secretary of State may, by agreement with the commissioner of human
 15 resources, obtain such information from the state registrar of vital statistics. Additionally,
 16 the Secretary of State is authorized to obtain such lists of deceased Georgia electors, if
 17 possible, from other states."

18 **SECTION 8.**

19 Said chapter is further amended by revising subsection (a) of Code Section 21-2-381, relating
 20 to making of application for absentee ballot, determination of eligibility by ballot clerk,
 21 furnishing of applications to colleges and universities, and persons entitled to make
 22 application, by adding a new paragraph to read as follows:

23 "(4) In extraordinary circumstances as described in Code Section 21-2-543.1, the
 24 registrar or absentee ballot clerk shall determine if the applicants are eligible to vote
 25 under this Code section and shall either mail or issue the absentee ballots for the election
 26 for representative in the United States Congress to an individual entitled to make
 27 application for absentee ballot under subsection (d) of this Code section the same day any
 28 such application is received, so long as the application is received by 3:00 P.M.,
 29 otherwise no later than the next business day following receipt of the application. Any
 30 valid absentee ballot shall be accepted and processed so long as the ballot is received by
 31 the registrar or absentee ballot clerk not later than 45 days after the ballot is transmitted
 32 to the absent uniformed services voter or overseas voter, but in no event later than 11
 33 days following the date of the election."

1 ~~(c) The oaths or declarations of assisted electors shall be returned by the chief manager to~~
 2 ~~the superintendent. The oaths or declarations of assisted electors shall be available in the~~
 3 ~~superintendent's office for public inspection."~~

4 **SECTION 10.**

5 Said chapter is further amended by adding a new Code section to read as follows:

6 "21-2-543.1.

7 In extraordinary circumstances, where the Speaker of the House of Representatives in the
 8 United States Congress announces that there are more than 100 vacancies in the federal
 9 House of Representatives, the Governor shall issue, within five days after the speaker
 10 announces that such number of vacancies exist, a writ of election to the Secretary of State
 11 for a special election to fill any such vacancy from this state, which election shall be held
 12 on the date named in the writ, which shall not be more than 49 days after the speaker
 13 announces that such number of vacancies exists."

14 **SECTION 11.**

15 Said chapter is further amended by revising Code Section 21-2-566, relating to interference
 16 with primaries and elections generally, as follows:

17 "21-2-566.

18 Any person who:

- 19 (1) Willfully prevents or attempts to prevent any poll officer from holding any primary
 20 or election under this chapter;
- 21 (2) Uses or threatens violence ~~to any poll officer~~ in a manner that would prevent a
 22 reasonable poll officer or actually prevents a poll officer from the execution of his or her
 23 duties or materially interrupts or improperly and materially interferes with the execution
 24 of ~~his or her duty~~ a poll officer's duties;
- 25 (3) Willfully blocks or attempts to block the avenue to the door of any polling place;
- 26 (4) Uses or threatens violence ~~to any elector to prevent him or her~~ in a manner that would
 27 prevent a reasonable elector from voting or actually prevents any elector from voting;
- 28 (5) Willfully prepares or presents to any poll officer a fraudulent voter's certificate not
 29 signed by the elector whose certificate it purports to be;
- 30 (6) Knowingly deposits fraudulent ballots in the ballot box;
- 31 (7) Knowingly registers fraudulent votes upon any voting machine; or
- 32 (8) Willfully tampers with any electors list, voter's certificate, numbered list of voters,
 33 ballot box, voting machine, direct recording electronic (DRE) equipment, or tabulating
 34 machine

1 shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment
 2 for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00,
 3 or both."

4 **SECTION 12.**

5 Said chapter is further amended by revising Code Section 21-2-567, relating to intimidation
 6 of electors, as follows:

7 "21-2-567.

8 (a) Any person who uses or threatens to use force and violence, or acts in any other
 9 manner intimidates to intimidate any other person, to:

10 (1) Vote or refrain from voting at any primary or election, or to vote or refrain from
 11 voting for or against any particular candidate or question submitted to electors at such
 12 primary or election; or

13 (2) Place or refrain from placing his or her name upon a register of electors
 14 shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment
 15 for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00,
 16 or both.

17 (b) As used in this Code section, the term 'acts in any other manner to intimidate' means
 18 to undertake or pursue a knowing and willful course of conduct which causes emotional
 19 distress by placing another person in reasonable fear for such person's safety or for the
 20 safety of another person and which serves no legitimate purpose."

21 **SECTION 13.**

22 Said chapter is further amended by revising subsection (a) of Code Section 21-2-568, relating
 23 to entry into voting compartment or booth while another is voting, interfering with elector,
 24 inducing elector to reveal or revealing elector's vote, and influencing voter while assisting,
 25 as follows:

26 "(a) Any person who knowingly:

27 (1) Goes into the voting compartment or voting machine booth while another is voting
 28 or marks the ballot or ballot card or registers the vote for another, except in strict
 29 accordance with this chapter;

30 (2) Interferes with any elector marking his or her ballot or ballot card or registering his
 31 or her vote;

32 (3) Attempts to induce any elector before depositing his or her ballot or ballot card to
 33 show how he or she marks or has marked his or her ballot or ballot card; or

1 (4) Discloses to anyone how another elector voted, without said elector's consent, except
2 when required to do so in any legal proceeding
3 shall be guilty of a felony."

4 **SECTION 14.**

5 Said chapter is further amended by revising Code Section 21-2-573, relating to absentee
6 voting by unqualified elector, as follows:

7 "21-2-573.

8 Any person who votes or attempts to vote by absentee ballot at any primary or election
9 under Article 10 of this chapter ~~and~~ who knows that he or she is not qualified to vote shall
10 be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for
11 not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00, or
12 both."

13 **SECTION 15.**

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