

The Senate State and Local Governmental Operations Committee offered the following substitute to HB 1112:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to  
2 provide for meetings of the State Election Board under certain circumstances; to provide for  
3 the promulgation of rules and regulations by the State Election Board; to amend provisions  
4 relating to the completion of a certification program by municipal election superintendents;  
5 to provide for certain election officials to be certified by a certain date; to provide for a  
6 possible waiver of the certification requirement for a municipality in certain circumstances;  
7 to provide for a special election for a United States congressional representative in the event  
8 of an extraordinary circumstance where there are more than 100 vacancies in the United  
9 States House of Representatives; to provide for filing notice of candidacy in the event of  
10 extraordinary circumstances; to revise certain provisions relating to the return of qualifying  
11 fees to candidates; to provide that certain information about electors shall be made available  
12 to certain state agencies; to provide that the Secretary of State may obtain certain felony  
13 conviction information; to provide for the making of application for absentee ballot in the  
14 event of extraordinary circumstances; to provide for the determination of eligibility; to  
15 remove certain requirements as to the oaths or declarations of assisted electors; to repeal  
16 certain requirements as to identification of campaign literature; to revise certain provisions  
17 related to voter identification cards; to revise certain provisions relating to interference with  
18 primaries and elections; to provide for the issuance of a writ of election in extraordinary  
19 circumstances; to revise certain provisions relating to interference with and the influencing  
20 of electors; to revise provisions relating to voting by unqualified electors; to provide for  
21 related matters; to repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

23 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by  
24 revising subsection (e) of Code Section 21-2-30, relating to the State Election Board, as  
25 follows:  
26



- 1 (6) To make such recommendations to the General Assembly as it may deem advisable  
 2 relative to the conduct and administration of primaries and elections;
- 3 (7) To promulgate rules and regulations to define uniform and nondiscriminatory  
 4 standards concerning what constitutes a vote and what will be counted as a vote for each  
 5 category of voting system used in this state;
- 6 (8) To employ such assistants as may be necessary;
- 7 (9) Subject to funds being specifically appropriated by the General Assembly, to  
 8 formulate and conduct a voter education program concerning voting procedures for  
 9 voting by absentee ballot and at the polls with particular emphasis on the proper types of  
 10 identification required for voting; and
- 11 (10) To take such other action, consistent with law, as the board may determine to be  
 12 conducive to the fair, legal, and orderly conduct of primaries and elections."

### 13 SECTION 3.

14 Said title is further amended by revising paragraph (14) of Code Section 21-2-70, relating  
 15 to the powers and duties of municipal election superintendents, as follows:

16 "(14) To become certified by satisfactorily completing a certification program approved  
 17 ~~by the Secretary of State no later than January 1, 2007. Such program may include~~  
 18 ~~instruction on, and may require the superintendent to demonstrate proficiency in, the~~  
 19 ~~operation of the state's direct recording electronic voting equipment and in state and~~  
 20 ~~federal law and procedures related to elections. In the case of boards of elections or~~  
 21 ~~boards of elections and registration, this requirement may be satisfied either by the~~  
 22 ~~certification of the members of the board or the board's designee as set forth in Code~~  
 23 ~~Section 21-2-101; and"~~

### 24 SECTION 4.

25 Said title is further amended by revising Code Section 21-2-70.1, relating to the completion  
 26 of the certification program by municipal superintendents, board of elections, or election  
 27 board designee, as follows:

28 "21-2-70.1.

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

31 (b) The municipal superintendent shall be a person or committee selected by the governing  
 32 authority of the municipality in a public meeting, and such selection shall be recorded in  
 33 the minutes of such meeting. The municipal superintendent shall receive compensation  
 34 fixed and paid by the governing authority of the municipality from municipal funds. The  
 35 appointment shall be made in a public meeting, and the appointment shall be recorded in

1 the minutes of said meeting. In the event that a municipality fails to make an appointment,  
 2 the city clerk shall serve as the municipal superintendent. A parent, spouse, child, brother,  
 3 sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or  
 4 sister-in-law of a candidate shall not be eligible to serve as a municipal superintendent in  
 5 any primary or election in which such candidate's name appears on the ballot.

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

### 13 SECTION 5.

14 Said title is further amended by revising Code Section 21-2-101, relating to certification  
 15 program for election superintendents or election board designee and waiver of certification,  
 16 as follows:

17 "21-2-101.

18 (a) All county and municipal election superintendents or, in the case of a board of elections  
 19 or a board of elections and registration, the designee of such board charged with the daily  
 20 operations of such board shall become certified by completing a certification program  
 21 approved by the Secretary of State by no later than December 31 of the year in which they  
 22 are appointed. Such program may include instruction on, and may require the  
 23 superintendent to demonstrate proficiency in, the operation of the state's direct recording  
 24 electronic voting equipment, the operation of the voting equipment used in such  
 25 superintendent's jurisdiction, and in state and federal law and procedures related to  
 26 elections. The local government employing the superintendent or designee shall cover the  
 27 costs, if any, incurred by such ~~superintendent~~ superintendent's or designee's participation  
 28 in the certification program. Such certification programs shall be offered by the Secretary  
 29 of State on multiple occasions before December 31 of the year in which such  
 30 superintendents or designees are appointed and shall not exceed 64 hours of classroom,  
 31 online, and practical instruction as authorized and approved by the Secretary of State.

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

35 ~~(b)(c)(1)~~ A full, partial, or conditional waiver of the certification requirement, ~~either in~~  
 36 ~~whole or in part,~~ may be granted by the Secretary of State, in the discretion of the

1 Secretary of State, upon the presentation of evidence by the election superintendent or  
 2 board that the individual was unable to complete such training due to medical disability,  
 3 providential cause, or other reason deemed sufficient by the Secretary of State.

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

11 (e)(d) A superintendent and the county or municipal governing authority which employs  
 12 the such superintendent may be fined by the State Election Board for failure to attain the  
 13 certification required in this Code section."

#### 14 SECTION 6.

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

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, or his or her agent, desiring to have his or her  
 32 name placed on the election ballot shall file notice of his or her candidacy in the office  
 33 of the superintendent of his or her county no earlier than 9:00 A.M. on the fourth Monday  
 34 in June immediately prior to the election and no later than 12:00 Noon on the Friday  
 35 following the fourth Monday in June in the case of a general election and no earlier than

1 the date of the call of the election and no later than 25 days prior to the election in the  
2 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 commence no earlier than 8:30 A.M. on the last Monday in August immediately  
9 preceding the general election and shall end no later than 4:30 P.M. on the following  
10 Friday; and, in the case of a special election, the municipal qualifying period shall  
11 commence no earlier than the date of the call and shall end no later than 25 days prior to  
12 the election; and

13 (4)(A) In extraordinary circumstances as described in Code Section 21-2-543.1, each  
14 candidate, or his or her agent, desiring to have his or her name placed on the election  
15 ballot shall file a notice of his or her candidacy, giving his or her name, residence  
16 address, and the office he or she is seeking, with the Office of the Secretary of State no  
17 earlier than the date of the call of the special election and not later than ten days after  
18 the announcement of such extraordinary circumstances.

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

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

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

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

### 31 SECTION 7.

32 Said title is further amended by revising subsections (a), (b), and (e) of Code Section  
33 21-2-134, relating to withdrawal, death, or disqualification of candidate for office and  
34 nomination certificates, as follows:

35 "(a)(1) A candidate nominated at any primary election or nominated by means other than  
36 a primary may withdraw as a candidate at the ensuing general election by filing a

1 notarized affidavit of withdrawal with the Secretary of State, if nominated for a state  
 2 office; the county superintendent, if nominated for a county office; or the municipal  
 3 superintendent, if nominated for a municipal office. ~~The qualifying fee shall not be~~  
 4 ~~returned to the candidate.~~ If the ballots have been printed, the Secretary of State, or the  
 5 county superintendent, or the municipal superintendent may reprint the ballots to omit the  
 6 name of the withdrawn candidate. All votes cast for the withdrawn candidate shall be  
 7 void and shall not be counted. Prominent notices shall be posted in all polling places in  
 8 which the name of the withdrawn candidate appears on the ballot stating that ~~the~~ such  
 9 candidate has withdrawn and that all votes cast for such withdrawn candidate shall be  
 10 void and shall not be counted. No vacancy on the ballot for a general election or for a  
 11 nonpartisan election shall be filled except by reason of the death or disqualification of a  
 12 candidate or the withdrawal of a candidate as provided in paragraph (2) of subsection (b)  
 13 of this Code section.

14 (2) A candidate in a general or special primary may withdraw as a candidate after  
 15 qualifying but prior to the date of the general or special primary by filing a notarized  
 16 affidavit of withdrawal with the Secretary of State, if qualifying for a state office; the  
 17 county election superintendent, if qualifying for a county office; or the municipal  
 18 superintendent, if qualifying for a municipal office. A candidate of a political body or  
 19 an independent candidate in a general or special election may withdraw as a candidate  
 20 after qualifying but prior to the date of the general or special election by filing a notarized  
 21 affidavit of withdrawal with the Secretary of State, if qualifying for a state office; the  
 22 county election superintendent, if qualifying for a county office; or the municipal  
 23 superintendent, if qualifying for a municipal office. ~~The qualifying fee shall not be~~  
 24 ~~returned to the candidate.~~ If the ballots have been printed, the Secretary of State, the  
 25 county election superintendent, or the municipal superintendent may reprint the ballots  
 26 to omit the name of the withdrawn candidate. All votes cast for the withdrawn candidate  
 27 shall be void and shall not be counted. Prominent notices shall be posted in all polling  
 28 places in which the name of the withdrawn candidate appears on the ballot stating that  
 29 ~~the~~ such candidate has withdrawn and that all votes cast for such withdrawn candidate  
 30 shall be void and shall not be counted.

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

34 (A) In the case of a public office to be filled by the vote of the electors of ~~the~~ this entire  
 35 state in which the vacancy occurs after nomination but at least ten days prior to the  
 36 election to fill the public office sought by such candidate, the vacancy may be filled by  
 37 a substitute nomination made by a convention composed of the delegates of the county

1 executive committee of such party in each county of ~~the~~ this state. Immediately upon  
2 such vacancy occurring, the state executive committee or a subcommittee thereof  
3 appointed for the purpose shall fix a time within six days of the occurrence of such  
4 vacancy; shall select and provide a convenient place for the holding of such a  
5 convention, which shall be open to the public; and shall give notice thereof to the  
6 chairperson and secretary of each county executive committee. Each county executive  
7 committee shall be entitled to select the number of delegates apportioned to it by the  
8 state executive committee; provided, however, that each county executive committee  
9 shall be entitled to select at least one delegate. Such apportionment of delegates among  
10 the counties shall be based substantially upon the population of ~~the~~ this state according  
11 to the last United States decennial census or upon the number of votes cast within ~~the~~  
12 this state for the party's candidates for presidential electors in the last presidential  
13 election. A two-thirds' majority of the delegates of such county executive committees  
14 shall constitute a quorum for the transaction of business, and a majority of the delegates  
15 present while a quorum exists shall be sufficient to fill such nomination by a substitute  
16 nomination. Each delegate shall have one vote, and all votes taken shall be by a  
17 roll-call vote. The records of the convention shall be filed with the state executive  
18 committee. In the event such a vacancy in party nomination shall occur during the ten  
19 days preceding the day of such an election, such vacancy may be filled by a substitute  
20 nomination made by the state executive committee or a subcommittee thereof appointed  
21 for that purpose;

22 (B) In the case of a public office for which a candidate must qualify with the state  
23 executive committee, except a public office to be filled by the vote of the electors of the  
24 entire state, the nomination may remain vacant or may be filled at the decision of the  
25 state executive committee of the party. The decision whether to fill such vacancy shall  
26 be made by the state executive committee by 4:00 P.M. on the next business day  
27 following the actual knowledge of the death or disqualification of the candidate. The  
28 decision of the state executive committee shall be immediately transmitted to the  
29 Secretary of State. If the Secretary of State has not been notified of the decision of the  
30 state executive committee by 4:30 P.M. on the next business day following the actual  
31 knowledge of the vacancy, it shall be conclusively presumed that the state executive  
32 committee has decided not to fill the vacancy. If the state executive committee decides  
33 not to fill the vacancy, the nomination shall remain vacant. If the state executive  
34 committee decides to fill the vacancy, the vacancy shall be filled by a substitute  
35 nomination made by the state executive committee or a subcommittee thereof appointed  
36 for that purpose;



1 (C) In the case of a public office for which a candidate must qualify with the county  
2 executive committee, the nomination may remain vacant or may be filled at the  
3 decision of the state executive committee of the party. The state executive committee  
4 or a subcommittee thereof may determine on its own whether to fill the vacancy but is  
5 authorized, though not required, to seek the recommendation of any of the following  
6 persons for the purpose of determining whether to fill the vacancy: the county executive  
7 committee, if any; persons from the area who are active in the party; persons who are  
8 present or former officials of the party; persons who presently hold political office or  
9 have sought political office as candidates of the party; or such other persons as the  
10 committee or subcommittee may desire to consult. The decision whether to fill such  
11 vacancy shall be made by the state executive committee by 4:00 P.M. on the next  
12 business day following the actual knowledge of the death or disqualification of the  
13 candidate. The decision of the state executive committee shall be immediately  
14 transmitted to the county superintendent. If the county superintendent has not been  
15 notified of the decision of the state executive committee by 4:30 P.M. on the next  
16 business day following the actual knowledge of the vacancy, it shall be conclusively  
17 presumed that the state executive committee has decided not to fill the vacancy. If the  
18 state executive committee decides not to fill the vacancy, the nomination shall remain  
19 vacant. If the state executive committee decides to fill the vacancy, the vacancy shall  
20 be filled by a substitute nomination made by the state executive committee or a  
21 subcommittee thereof appointed for that purpose. The state executive committee or a  
22 subcommittee thereof may determine on its own who shall fill the vacancy as a  
23 substitute nominee but is authorized, though not required, to seek the recommendation  
24 of any of the following persons for the purpose of determining the most suitable  
25 substitute nomination: the county executive committee, if any; persons from the area  
26 who are active in the party; persons who are present or former officials of the party;  
27 persons who presently hold political office or have sought political office as candidates  
28 of the party; or such other persons as the committee or subcommittee may desire to  
29 consult; and

30 (D) In the case of a public office for which a candidate must qualify with the municipal  
31 executive committee, the nomination may remain vacant or may be filled at the  
32 decision of the municipal executive committee of the party. The decision whether to  
33 fill such vacancy shall be made by the municipal executive committee by 4:00 P.M. on  
34 the next business day following the actual knowledge of the death or disqualification  
35 of the candidate. The decision of the municipal executive committee shall be  
36 immediately transmitted to the municipal superintendent. If the municipal  
37 superintendent has not been notified of the decision of the municipal executive

1 committee by 4:30 P.M. on the next business day following the actual knowledge of the  
 2 vacancy, it shall be conclusively presumed that the municipal executive committee has  
 3 decided not to fill the vacancy. If the municipal executive committee decides not to fill  
 4 the vacancy, the nomination shall remain vacant. If the municipal executive committee  
 5 decides to fill the vacancy, the vacancy shall be filled by a substitute nomination made  
 6 by the municipal executive committee or a subcommittee thereof appointed for that  
 7 purpose.

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

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

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

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

27 "~~(e) Reserved.~~ The qualifying fee shall be returned to the candidate in the event such  
 28 candidate withdraws, dies, or is disqualified prior to the close of the qualifying period;  
 29 however, after the close of the qualifying period, the qualifying fee shall not be returned  
 30 to the candidate for any reason including withdrawal, death, or disqualification."

### 31 SECTION 8.

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

34 "(b) All data collected and maintained on electors whose names appear on the list of  
 35 electors maintained by the Secretary of State pursuant to this article shall be available for  
 36 public inspection with the exception of bank statements submitted pursuant to subsection

1 (c) of Code Section 21-2-220 and subsection (c) of Code Section 21-2-417, and the date  
 2 of birth, the social security numbers, and driver's license numbers of the electors, and the  
 3 locations at which the electors applied to register to vote, which shall remain confidential  
 4 and shall be used only for voter registration purposes; provided, however, that any and all  
 5 information relating to the dates of birth, social security numbers, and driver's license  
 6 numbers of electors may be made available to other state agencies if the agency is  
 7 authorized to maintain such information ~~by social security number~~ and the information is  
 8 used only to identify the elector on the receiving agency's data base and is not disseminated  
 9 further and remains confidential."

#### 10 SECTION 9.

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

13 "(a) ~~The~~ Unless otherwise notified by the Secretary of State, the clerk of the superior court  
 14 of each county shall, on or before the tenth day of each month, prepare and transmit to the  
 15 Secretary of State, in a format as prescribed by the Secretary of State, a complete list of all  
 16 persons, including addresses, ages, and other identifying information as prescribed by the  
 17 Secretary of State, who were convicted of a felony involving moral turpitude during the  
 18 preceding calendar month in ~~the~~ that county. The Secretary of State may, by agreement  
 19 with the commissioner of the Department of Corrections, obtain criminal information  
 20 relating to the conviction, sentencing, and completion of sentencing requirements of  
 21 felonies involving moral turpitude. Additionally, the Secretary of State shall be authorized  
 22 to obtain such criminal information relating to Georgia electors convicted of felonies  
 23 involving moral turpitude, if possible, from other states."

24 "(d) ~~The~~ Unless otherwise notified by the Secretary of State, the local registrar of vital  
 25 statistics of each county shall, on or before the tenth day of each month, prepare and  
 26 transmit to the Secretary of State, in a format as prescribed by the Secretary of State, a  
 27 complete list of all persons, including addresses, ages, and other identifying information  
 28 as prescribed by the Secretary of State, who died during the preceding calendar month in  
 29 the county. The Secretary of State may, by agreement with the commissioner of human  
 30 resources, obtain such information from the state registrar of vital statistics. Additionally,  
 31 the Secretary of State is authorized to obtain such lists of deceased Georgia electors, if  
 32 possible, from other states."

#### 33 SECTION 10.

34 Said title is further amended by revising subsection (a) of Code Section 21-2-381, relating  
 35 to making of application for absentee ballot, determination of eligibility by ballot clerk,

1 furnishing of applications to colleges and universities, and persons entitled to make  
2 application, by adding a new paragraph to read as follows:

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

#### 14 SECTION 11.

15 Said title is further amended by revising Code Section 21-2-409, relating to assisting electors  
16 who cannot read English or who have disabilities, as follows:

17 "21-2-409.

18 (a) No elector shall receive any assistance in voting at any primary or election unless he  
19 or she is unable to read the English language or he or she has a disability which renders  
20 him or her unable to see or mark the ballot or operate the voting equipment or to enter the  
21 voting compartment or booth without assistance. A person assisting an elector shall  
22 identify himself or herself to a poll worker who shall record such information on the  
23 disabled elector's voter certificate showing that such person provided assistance in voting  
24 to such elector.

25 (b)(1) In elections in which there is a federal candidate on the ballot, any elector who is  
26 entitled to receive assistance in voting under this Code section shall be permitted by the  
27 managers to select any person of the elector's choice except ~~the~~ such elector's employer  
28 or agent of that employer or officer or agent of ~~the~~ such elector's union.

29 (2) In all other elections, any elector who is entitled to receive assistance in voting under  
30 this Code section shall be permitted by the managers to select:

31 ~~(1)(A)~~ any Any elector, except a poll officer or poll watcher, who is a resident of the  
32 precinct in which the elector requiring assistance is attempting to vote; or

33 ~~(2)(B) the~~ The mother, father, ~~sister, brother, spouse, or child~~ grandparent, aunt, uncle,  
34 sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law,  
35 daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or  
36 attendant care provider of the elector entitled to receive assistance;

1 to enter the voting compartment or booth with him or her to assist in voting, such  
 2 assistance to be rendered inside the voting compartment or booth. No person shall assist  
 3 more than ten such electors in any primary, election, or runoff covered by this paragraph.  
 4 No person whose name appears on the ballot as a candidate at a particular election nor  
 5 the mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece,  
 6 nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,  
 7 brother-in-law, or sister-in-law of that candidate ~~may~~ shall offer assistance during that  
 8 particular election under the provisions of this Code section to any voter who is not  
 9 related to such candidate. For the purposes of this paragraph, 'related to such candidate'  
 10 shall mean the candidate's mother, father, grandparent, aunt, uncle, sister, brother,  
 11 spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law,  
 12 mother-in-law, father-in-law, brother-in-law, or sister-in-law.

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

## 16 SECTION 12.

17 Said title is further amended by revising Code Section 21-2-415, relating to requirements as  
 18 to identification of campaign literature, unauthorized use of another's name in connection  
 19 with campaign material, and penalty, as follows:

20 "21-2-415.

21 ~~(a) No person shall distribute, circulate, disseminate, or publish or cause to be distributed,~~  
 22 ~~circulated, disseminated, or published any literature in connection with any political~~  
 23 ~~campaign for any public office or question unless such literature shall bear the name and~~  
 24 ~~address of the person or organization distributing, circulating, disseminating, publishing,~~  
 25 ~~or causing the same to be distributed, circulated, disseminated, or published. To be in~~  
 26 ~~compliance with this subsection when an organization rather than a natural person commits~~  
 27 ~~any of the acts enumerated in this subsection, the names and addresses of at least three of~~  
 28 ~~the highest officials thereof shall also appear thereon. No candidate whose campaign is the~~  
 29 ~~subject of any campaign literature shall contribute funds to defray the cost or a portion of~~  
 30 ~~the cost of the printing, publishing, distribution, circulation, or dissemination of such~~  
 31 ~~literature unless the literature clearly states that the cost or a portion thereof has been paid~~  
 32 ~~for by the candidate. Campaign literature published and disseminated by the candidate,~~  
 33 ~~bearing his or her name and the office for which he or she is a candidate, shall be~~  
 34 ~~considered as in compliance with this subsection.~~

35 ~~(b) No person shall use the name or any colorable imitation of the name of an existing~~  
 36 ~~person or organization for the purposes of endorsing, circulating, or publishing campaign~~

~~material without the authorization of such person or organization. As used in this subsection, the term 'any colorable imitation' means any name purposefully used with the intention of the user that a person reading such name will be misled into believing that such campaign material is being endorsed, circulated, or published by a person or organization other than the true endorser, circulator, or publisher.~~

~~(c) Any person who violates this Code section shall be guilty of a misdemeanor. Reserved.~~

### SECTION 13.

Said title is further amended by revising Code Section 21-2-417.1, relating to voter identification cards, as follows:

"21-2-417.1.

(a) Each county board of registrars shall provide at least one place in the county at which it shall accept applications for and issue Georgia voter identification cards to registered Georgia electors which shall under state law be valid only for purposes of voter identification under Code Section 21-2-417 and available only to registered electors of this state. No fee shall be charged or collected for the application for or issuance of a Georgia voter identification card.

(b) No person shall be eligible for a Georgia voter identification card if such person has a valid unexpired driver's license or identification card issued under Code Section 40-5-100.

(c) The Georgia voter identification card shall be captioned 'GEORGIA VOTER IDENTIFICATION CARD' and shall contain a prominent statement that under Georgia law it is valid only as identification for voting purposes. The Georgia voter identification card shall be laminated, shall contain a digital color photograph of the applicant, and shall include the following information:

- (1) Full legal name;
- (2) Address of residence;
- (3) Birth date;
- (4) Date identification card was issued;
- (5) Sex;
- (6) Height;
- (7) Weight;
- (8) Eye color;
- (9) County where the identification card was issued including a county number to be assigned for each county by the Secretary of State; and

1 (10) Such other information or identification as required by rule of the State Election  
2 Board.

3 (d) The application for a Georgia voter identification card shall elicit the information  
4 required under subsection (c) of this Code section and such other information as may be  
5 required by rule of the State Election Board. The application shall be signed and sworn to  
6 by the applicant and any falsification or fraud in the making of the application shall  
7 constitute a felony offense under Code Section 16-10-71, relating to the offense of false  
8 swearing.

9 (e) The board of registrars shall require presentation and verification of the following  
10 information before issuing a Georgia voter identification card to a person:

11 (1) A photo identity document, except that a nonphoto identity document is acceptable  
12 if it includes both the person's full legal name and date of birth;

13 (2) Documentation showing the person's date of birth;

14 (3) Evidence that the person is registered to vote in this state; and

15 (4) Documentation showing the person's name and address of principal residence.

16 (f) A Georgia voter identification card shall remain valid so long as a person resides at the  
17 same address and remains qualified to vote. It shall be the duty of a person who moves his  
18 or her residence within the State of Georgia to surrender his or her card to the board of  
19 registrars of the county of his or her new residence; and such person may after such  
20 surrender apply for and receive a new card if such person is otherwise eligible under this  
21 Code section. It shall be the duty of a person who moves his or her residence outside the  
22 State of Georgia or who ceases to be qualified to vote to surrender his or her card to the  
23 board of registrars by which it was issued.

24 (g) ~~The State Election Board~~ Secretary of State shall provide each county board of  
25 registrars with the necessary equipment, forms, supplies, and training for the production  
26 of the Georgia voter identification cards and shall maintain such equipment.

27 (h) Without in any way limiting the authority of the Secretary of State under subsection  
28 (g) of this Code section, the ~~The~~ State Election Board shall adopt rules and regulations for  
29 the administration of this Code section and, without limiting the generality of the  
30 foregoing, such rules and regulations may further define or prescribe the types of  
31 documentation required under subsection (e) of this Code section."

#### 32 SECTION 14.

33 Said title is further amended by revising Code Section 21-2-419, relating to validation of  
34 provisional ballots, by adding a new subsection to read as follows:

1 "(e) The board of registrars shall complete a report in a form designated by the Secretary  
2 of State indicating the number of provisional ballots cast and counted in the primary or  
3 election."

#### 4 SECTION 15.

5 Said title 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 16.

15 Said title is further amended by revising Code Section 21-2-566, relating to interference with  
16 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 17.

5 Said title is further amended by revising Code Section 21-2-567, relating to intimidation of  
 6 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 18.

22 Said title 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 19.**

5 Said title is further amended by revising Code Section 21-2-573, relating to absentee voting  
6 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 20.**

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