

House Bill 540 (AS PASSED HOUSE AND SENATE)

By: Representatives Scott of the 153<sup>rd</sup> and Yates of the 73<sup>rd</sup>

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 remove references to ballot cards; to provide for  
 3 the conduct of elections in polling places by a board consisting of a chief manager and  
 4 assistant managers; to provide certain qualifications for poll officers; to provide that poll  
 5 officers may be compensated or volunteers; to provide for certain mandatory training of  
 6 election and registration officials; to provide that a candidate who submits an improper  
 7 nomination petition shall not be qualified; to provide for staggered terms for boards of  
 8 registrars; to provide that registration applications may be mailed to the board of registrars;  
 9 to change the time prior to a municipal primary or election when the electors list shall be  
 10 submitted to the municipality; to provide for the contents of the electors list; to provide for  
 11 the confidentiality of certain information; to provide for the procedure for voting a  
 12 challenged ballot; to provide that a valid signature on a petition shall be sufficient to remove  
 13 an elector from the inactive list regardless of the validity of the petition as a whole; to  
 14 provide that no election shall be held in a precinct in which there are no opposed candidates  
 15 unless there is a qualified write-in candidate; to provide that DRE units shall be demonstrated  
 16 on request and do not have to be on display during the month preceding a primary or  
 17 election; to delete the reasons for voting by absentee ballot; to repeal the requirement that  
 18 counties having a population of between 88,000 and 90,000 according to the 1990 census or  
 19 any future census shall designate any branch of the courthouse or courthouse annex as an  
 20 additional registrar's office; to require jurisdictions using DRE units for voting on election  
 21 day to use such units for in-person absentee voting; to provide that an absentee ballot may  
 22 be issued for immediate voting to a person who applies in person at the registrar's or absentee  
 23 ballot clerk's office when the ballots are ready; to revise the prohibitions concerning  
 24 campaigning and exit and public opinion polling in close proximity to a polling place on an  
 25 election day; to extend the period for verifying provisional ballots; to extend the deadline for  
 26 special elections to be placed on a state-wide general primary or general election ballot; to  
 27 provide an exception to the prohibition against prematurely counting votes for the counting  
 28 of absentee votes; to provide for the coordination of dates for certain runoffs; to provide for

29 related matters; to amend Chapter 10 of Title 31 of the Official Code of Georgia Annotated,  
 30 relating to vital records, so as to provide that lists of death certificates shall be submitted by  
 31 the state registrar to the Secretary of State by the tenth day of each month; to amend Article 2  
 32 of Chapter 15 of Title 45 of the Official Code of Georgia Annotated, relating to the  
 33 Department of Law, so as to provide that the Governor shall have the power to seek  
 34 preclearance of any change affecting voting pursuant to Section 5 of the federal Voting  
 35 Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

36 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

37 **SECTION 1.**

38 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and  
 39 elections generally, is amended by revising paragraph (20) of Code Section 21-2-2, relating  
 40 to definitions, as follows:

41 "(20) 'Paper ballot' or 'ballot' means the forms described in Article 8 of this chapter. ~~The~~  
 42 ~~term 'paper ballot' shall not include a ballot card."~~

43 **SECTION 2.**

44 Said chapter is further amended by revising Code Section 21-2-90, relating to appointment  
 45 of chief manager and assistant managers, as follows:

46 "21-2-90.

47 All elections and primaries shall be conducted in each ~~precinct~~ polling place by a board  
 48 consisting of a chief manager, who shall be chairperson of such board, and two assistant  
 49 managers assisted by clerks. The managers of each ~~precinct~~ polling place shall be  
 50 appointed by the superintendent or, in the case of municipal elections, by the municipal  
 51 governing authority. If the political parties involved elect to do so, they may submit to the  
 52 superintendent or municipal governing authority, for consideration in making such  
 53 appointment, a list of qualified persons. When such lists are submitted to the appropriate  
 54 office, the superintendent or municipal governing authority, insofar as practicable, shall  
 55 make appointments so that there shall be equal representation on such boards for the  
 56 political parties involved in such elections or primaries. The superintendent or municipal  
 57 governing authority shall make each appointment by entering an order which shall remain  
 58 of record in the appropriate office and shall transmit a copy of such order to the appointee.  
 59 The order shall include the name and address of the appointee, his or her title, and a  
 60 designation of the precinct and primary or election in which he or she is to serve."

61 **SECTION 3.**

62 Said chapter is further amended by revising Code Section 21-2-92, relating to qualifications  
63 of poll officers, as follows:

64 "21-2-92.

65 (a) Poll officers appointed pursuant to Code Sections 21-2-90 and 21-2-91 shall be  
66 judicious, intelligent, and upright citizens of the United States, residents of or otherwise  
67 employed by the county in which they are appointed or, in the case of municipal elections,  
68 residents of or otherwise employed by the municipality in which the election is to be held  
69 or of the county in which that municipality is located, 16 years of age or over, and shall be  
70 able to read, write, and speak the English language. No poll officer shall be eligible for any  
71 nomination for public office or to be voted for at a primary or election at which the poll  
72 officer shall serve. No person who is otherwise holding public office, other than a political  
73 party office, shall be eligible to be appointed as or to serve as a poll officer. A parent,  
74 spouse, child, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law,  
75 brother-in-law, or sister-in-law of a candidate shall not be eligible to serve as a poll officer  
76 in any precinct in which such candidate's name appears on the ballot in any primary or  
77 election.

78 (b) Notwithstanding the provisions of subsection (a) of this Code section, in the event that  
79 a municipal primary or election is held in conjunction with a regular county, state, or  
80 federal election, poll officers assigned by the county election superintendent to conduct  
81 such county, state, or federal election shall also be authorized to serve as poll officers to  
82 conduct such municipal election or primary and shall not be required to be residents of said  
83 municipality."

84 **SECTION 4.**

85 Said chapter is further amended by revising Code Section 21-2-98, relating to compensation  
86 of poll officers, by adding a new subsection to read as follows:

87 "(c) It shall not be necessary to compensate volunteers who are appointed to serve as poll  
88 officers and who agree to perform the duties of manager or clerk without compensation."

89 **SECTION 5.**

90 Said chapter is further amended by revising subsections (a) and (b) of Code  
91 Section 21-2-101, relating to certification program for county and municipal election  
92 superintendents or election board designee, as follows:

93 "(a) All county and municipal election superintendents, chief registrars, and absentee ballot  
94 clerks or, in the case of a board of elections or a board of elections and registration, the  
95 designee of such board charged with the daily operations of such board shall become

96 certified by completing a certification program approved by the Secretary of State by no  
 97 later than December 31 of the year in which they are appointed. Such program may  
 98 include instruction on, and may require the superintendent to demonstrate proficiency in,  
 99 the operation of the state's direct recording electronic voting equipment, the operation of  
 100 the voting equipment used in such superintendent's jurisdiction, and in state and federal law  
 101 and procedures related to elections. The local government employing the superintendent  
 102 or designee shall cover the costs, if any, incurred by such superintendent's or designee's  
 103 participation in the certification program. Such certification programs shall be offered by  
 104 the Secretary of State on multiple occasions before December 31 of the year in which such  
 105 superintendents or designees are appointed and shall not exceed 64 hours of classroom,  
 106 online, and practical instruction as authorized and approved by the Secretary of State.

107 (b) Any county chief registrar or municipal ~~election superintendent~~ absentee ballot clerk  
 108 appointed prior to January 1, ~~2008~~ 2010, who has not met the certification requirement  
 109 shall complete a certification program approved by the Secretary of State by no later than  
 110 December 31, ~~2008~~ 2011."

#### 111 SECTION 6.

112 Said chapter is further amended by revising subsection (a) of Code Section 21-2-171, relating  
 113 to examination of nomination petitions, as follows:

114 "(a) When any nomination petition is presented in the office of the Secretary of State or  
 115 of any superintendent for filing within the period limited by this chapter, it shall be the duty  
 116 of such officer to examine the same to the extent necessary to determine if it complies with  
 117 the law. No candidate shall be qualified if such nomination petition ~~shall be permitted to~~  
 118 ~~be filed if:~~

- 119 (1) ~~It contains~~ Contains material errors or defects apparent on the face thereof;
- 120 (2) ~~It contains~~ Contains material alterations made after signing without the consent of the  
 121 signers; or
- 122 (3) ~~It does~~ Does not contain a sufficient number of signatures of registered voters as  
 123 required by law.

124 The Secretary of State or any superintendent shall review the petition for compliance with  
 125 the provisions of Code Section 21-2-170 and shall disregard any pages or signatures that  
 126 are not in conformance with the provisions of that Code section. The Secretary of State or  
 127 any superintendent may question the genuineness of any signature appearing on a petition  
 128 or the qualification of any signer whose signature appears thereon and, if he or she shall  
 129 thereupon find that any such signature is improper, such signature shall be disregarded in  
 130 determining whether the petition contains a sufficient number of signatures as required by

131 law. The invalidity of any sheet of a nomination petition shall not affect the validity of  
 132 such petition if a sufficient petition remains after eliminating such invalid sheet."

133 **SECTION 7.**

134 Said chapter is further amended by revising subsections (a) and (b) of Code  
 135 Section 21-2-212, relating to county registrars, as follows:

136 "(a) The judge of the superior court in each county or the senior judge in time of service  
 137 in those counties having more than one judge shall appoint ~~quadrennially~~ in accordance  
 138 with this Code section, upon the recommendation of the grand jury of such county, not less  
 139 than three nor more than five judicious, intelligent, and upright electors of such county as  
 140 county registrars. The grand jury shall submit to the judge the names of ~~ten such electors~~  
 141 a number of electors equal to twice the number of persons to be appointed and the  
 142 appointment shall be made therefrom and shall be entered on the minutes of the court.  
 143 When making such appointments when appropriate, the judge will designate one of the  
 144 registrars as chief registrar who shall serve as such during such registrar's term of office,  
 145 and such designation shall likewise be entered on the minutes of the court. It shall be the  
 146 duty of the clerk of the superior court to certify the appointments and designation to the  
 147 Secretary of State within 30 days after the appointments and designation, and commissions  
 148 shall be issued as for county officers. When certifying such names to the Secretary of  
 149 State, the clerk of the superior court shall also list the addresses of the registrars. Such  
 150 judge will have the right to remove one or more of such registrars at any time for cause  
 151 after notice and hearing. In case of the death, resignation, or removal of a registrar, the  
 152 judge shall appoint a successor who shall serve until the next grand jury convenes, at which  
 153 time the grand jury shall submit to the judge the names of two judicious, intelligent, and  
 154 upright electors of such county; and the judge shall make an appointment from said list,  
 155 such successor to serve the unexpired term of such registrar's predecessor in office. In the  
 156 event the grand jury is in session at the time of any such death, removal, or resignation,  
 157 such grand jury shall immediately submit the names of said electors to the judge for such  
 158 appointment. Each such appointment or change in designation shall be entered on the  
 159 minutes of the court and certified as provided in this Code section.

160 (b)(1) ~~Appointees~~ Except as otherwise provided in this subsection, appointees under this  
 161 article shall serve for a term of four years and until their successors are appointed and  
 162 qualified, except in the event of resignation or removal as provided in subsection (a) of  
 163 this Code section. Their terms shall commence on July 1 and expire on June 30 four  
 164 years thereafter.

165 (2) The first new grand jury which convenes in each county in the year ~~1965, and each~~  
 166 ~~four years thereafter,~~ 2013 shall submit to the judge the list of names as provided in

167 subsection (a) of this Code section. From this list, the judge shall appoint two registrars  
 168 to serve two-year terms of office and until their respective successors are appointed and  
 169 qualified and not more than three registrars to serve four-year terms of office and until  
 170 their respective successors are appointed and qualified. Thereafter, the first new grand  
 171 jury which convenes in each county in each odd-numbered year shall submit to the judge  
 172 a list of names equal to twice the number of registrars whose terms are to expire that year.  
 173 From this list, the judge shall appoint successors to the registrars whose terms are  
 174 expiring that year who shall then serve terms of office of four years and until their  
 175 respective successors are selected and qualified.  
 176 (3) Such list of names shall be submitted to the judge, who shall appoint the registrars  
 177 and designate the chief registrar, as needed, prior to June 30. No appointment for a full  
 178 term shall be made prior to January 1 of the year in which the appointee is to take office.  
 179 If no such grand jury is convened or, if convened but failed to recommend, the judge shall  
 180 appoint the registrars without the necessity of any recommendation. In the event that a  
 181 registrar holds over beyond the end of the registrar's term of office due to the failure to  
 182 have a successor timely appointed and qualified, the successor shall be appointed to serve  
 183 the remainder of the term of office and shall not receive a new four-year term of office."

184 **SECTION 8.**

185 Said chapter is further amended by revising subsection (d) of Code Section 21-2-219, relating  
 186 to registration cards, as follows:

187 "(d) A properly executed registration card submitted under the provisions of subsection (b)  
 188 of this Code section shall be considered to be an application for an absentee ballot under  
 189 Code Section 21-2-381; or a special absentee ballot under Code Section 21-2-381.1, as  
 190 appropriate. ~~Such card, subject to the limitations of subsection (c) of this Code section,~~  
 191 ~~shall constitute a request for an absentee ballot for the period beginning upon the receipt~~  
 192 ~~of such card and extending through the second regularly scheduled general election in~~  
 193 ~~which federal candidates are on the ballot for all elections for federal offices held during~~  
 194 ~~such period."~~

195 **SECTION 9.**

196 Said chapter is further amended by revising subsection (a) of Code Section 21-2-223, relating  
 197 to mail voter registration application forms, as follows:

198 "(a) The Secretary of State shall design, publish, and distribute voter registration  
 199 application forms with which a person may apply to register to vote by completing and  
 200 mailing the form to the Secretary of State or to the board of registrars of the person's county  
 201 of residence. The Secretary of State shall forward the applications that he or she receives

202 to the appropriate county board of registrars to determine the eligibility of the applicant  
 203 and, if found eligible, to add the applicant's name to the list of electors and to place the  
 204 applicant in the correct precinct and voting districts."

205

**SECTION 10.**

206 Said chapter is further amended by revising subsections (e) and (g) of Code  
 207 Section 21-2-224, relating to official list of electors, as follows:

208 "(e) The county board of registrars shall deliver to the chief registrar of the municipality,  
 209 upon a basis mutually agreed upon between the county board of registrars and the  
 210 governing authority of the municipality, a copy of the list of electors for the municipality  
 211 for the primary or election. Such list shall be delivered ~~at least 14~~ not earlier than the fifth  
 212 Monday prior to a primary or election and not later than 21 days prior to such primary or  
 213 election for the purpose of permitting the chief registrar of the municipality to check the  
 214 accuracy of the list. The municipal registrar shall, upon receipt of the county registration  
 215 list, or as soon as practicable thereafter but in no event later than five days prior to such  
 216 primary or election, review such list and identify in writing to the county board of registrars  
 217 any names on the electors list of persons who are not qualified to vote at such primary or  
 218 election, stating the reason for disqualification. The county board of registrars shall  
 219 challenge the persons identified in accordance with Code Section 21-2-228. In addition,  
 220 the county board of registrars shall provide a list of inactive electors for the municipality.  
 221 The municipal registrar shall certify such lists and file with the city clerk a copy showing  
 222 the names of electors entitled to vote at such primary or election."

223 "(g) The official list of electors and the official list of inactive electors prepared and  
 224 distributed to the poll officers of each precinct shall include only the elector's name,  
 225 address, ZIP Code, date of birth, voter identification number, a designation of whether the  
 226 elector registered for the first time in this state and is required to comply with Code  
 227 Section 21-2-216, a designation of whether the elector registered for the first time in this  
 228 state by mail and is required to comply with Code Sections 21-2-220 and 21-2-417,  
 229 congressional district, state Senate district, state House district, county commission district,  
 230 if any, county or independent board of education district, if any, and municipal governing  
 231 authority district designations, if any, and such other voting districts, if any. The official  
 232 list of electors and the official list of inactive electors prepared and distributed to the poll  
 233 officers of each precinct may also include codes designating that an elector has voted by  
 234 absentee ballot, has been challenged, or has been sent mail by the registrars which has been  
 235 returned marked undeliverable. No person whose name does not appear on the official list  
 236 of electors shall vote or be allowed to vote at any election, except as otherwise provided  
 237 in this article. The county registrars shall ensure that the information required to notify poll

238 officers that an elector registered to vote for the first time in this state by mail and must  
 239 comply with subsection (c) of Code Section 21-2-220 and subsection (c) of Code Section  
 240 21-2-417 is placed on each list of electors to be used at a polling place."

241 **SECTION 11.**

242 Said chapter is further amended by revising subsection (b) of Code Section 21-2-225, relating  
 243 to confidentiality of original registration applications, as follows:

244 "(b) Except as provided in Code Section 21-2-225.1, all data collected and maintained on  
 245 electors whose names appear on the list of electors maintained by the Secretary of State  
 246 pursuant to this article shall be available for public inspection with the exception of bank  
 247 statements submitted pursuant to subsection (c) of Code Section 21-2-220 and  
 248 subsection (c) of Code Section 21-2-417, the ~~date~~ month and day of birth, the social  
 249 security numbers, and driver's license numbers of the electors, and the locations at which  
 250 the electors applied to register to vote, which shall remain confidential and shall be used  
 251 only for voter registration purposes; provided, however, that any and all information  
 252 relating to the dates of birth, social security numbers, and driver's license numbers of  
 253 electors may be made available to other agencies of this state, agencies of other states and  
 254 territories of the United States, and to agencies of the federal government if the agency is  
 255 authorized to maintain such information and the information is used only to identify the  
 256 elector on the receiving agency's data base and is not disseminated further and remains  
 257 confidential. Information regarding an elector's year of birth shall be available for public  
 258 inspection."

259 **SECTION 12.**

260 Said chapter is further amended by revising subsection (i) of Code Section 21-2-230, relating  
 261 to challenge of persons on list of electors by other electors, as follows:

262 "(i) If the challenged elector appears at the polls to vote and it is not practical to conduct  
 263 a hearing prior to the close of the polls or if the registrars begin a hearing and subsequently  
 264 find that a decision on the challenge cannot be rendered within a reasonable time, the  
 265 challenged elector shall be permitted to vote by casting a challenged ballot on the same  
 266 type of ballot that is used by the county or municipality for mail-in absentee ballots. Such  
 267 challenged ballot shall be sealed in double envelopes as provided in Code Section 21-2-384  
 268 and, after having the word 'Challenged' and the elector's name written across the back of  
 269 the elector's ballot outer envelope, the ballot shall be deposited by the person casting such  
 270 ballot in a secure, sealed ballot box notwithstanding the fact that the polls may have closed  
 271 prior to the time the registrars make such a determination, provided that the elector  
 272 proceeds to vote immediately after such determination of the registrars. In such cases, if



273 the challenge is based upon the grounds that the challenged elector is not qualified to  
 274 remain on the list of electors, the registrars shall proceed to finish the hearing prior to the  
 275 certification of the consolidated returns of the election by the election superintendent. If  
 276 the challenge is based on other grounds, no further action shall be required by the  
 277 registrars. The election superintendent shall not certify such consolidated returns until such  
 278 hearing is complete and the registrars have rendered their decision on the challenge. If the  
 279 registrars deny the challenge, the superintendent shall proceed to certify the consolidated  
 280 returns. If the registrars uphold the challenge, the name of the challenged elector shall be  
 281 removed from the list of electors and the ballot of the challenged elector shall be rejected  
 282 and not counted and, if necessary, the returns shall be adjusted to remove any votes cast by  
 283 such elector. The elector making the challenge and the challenged elector may appeal the  
 284 decision of the registrars in the same manner as provided in subsection (e) of Code  
 285 Section 21-2-229."

286 **SECTION 13.**

287 Said chapter is further amended by revising subsection (a) of Code Section 21-2-235, relating  
 288 to inactive list of electors, as follows:

289 "(a) In addition to the official list of electors, the Secretary of State shall also maintain an  
 290 inactive list of electors. Notwithstanding any other provision of law to the contrary, the  
 291 names of electors on the inactive list of electors shall not be counted in computing the  
 292 number of ballots required for an election, the number of voting devices needed for a  
 293 precinct, the number of electors required to divide or constitute a precinct, or the number  
 294 of signatures needed on any petition. However, any elector whose name appears on the  
 295 inactive list shall be eligible to sign a petition and such petition signature, if valid and  
 296 regardless of the validity of the petition as a whole, shall be sufficient to return the elector  
 297 to the official list of electors if the elector still resides at the address listed on the elector's  
 298 registration records and shall be grounds to proceed under Code Section 21-2-234 to  
 299 confirm the change of address of the elector if the elector provides a different address from  
 300 the address which appears on the elector's registration records."

301 **SECTION 14.**

302 Said chapter is further amended by revising subsection (f) of Code Section 21-2-284, relating  
 303 to the form of the official primary ballot, as follows:

304 "(f) The ballots shall vary in form only as the names of precincts, offices, candidates, ~~color~~  
 305 ~~of ballot cards~~, or this chapter may require."

306 **SECTION 15.**

307 Said chapter is further amended by revising Code Section 21-2-291, relating to procedure as  
 308 to unopposed candidates, as follows:

309 "21-2-291.

310 Any other provision of law to the contrary notwithstanding, in the event there is no  
 311 opposed candidate in a precinct in a special or general election, no special or general  
 312 election shall be held in such precinct unless ~~more than one~~ a write-in candidate has  
 313 qualified as provided by law or unless there are issues to be submitted to the electorate.  
 314 Except as provided in Code Section 21-2-158, each such unopposed candidate shall be  
 315 deemed to have voted for himself or herself. Where feasible, the superintendent shall  
 316 provide notice reasonably calculated to inform the affected electorate that no special or  
 317 general election is to be conducted. The superintendent shall certify such unopposed  
 318 candidate as elected in the same manner as he or she certifies other candidates as elected  
 319 pursuant to Code Section 21-2-493."

320 **SECTION 16.**

321 Said chapter is further amended by revising Code Section 21-2-379.8, relating to public  
 322 exhibition of voting system and sample ballot, as follows:

323 "21-2-379.8.

324 (a) The superintendent or his or her designee shall, upon request, make available for  
 325 demonstration ~~place on public exhibition and demonstrate the use of the~~ direct recording  
 326 electronic (DRE) units ~~throughout the county or municipality during the month preceding~~  
 327 ~~each primary and election~~. The Secretary of State shall advise the superintendents on  
 328 recommended methods of demonstrating such units so as to properly educate electors in  
 329 the use thereof, and, at least during the initial year in which DRE equipment is used in a  
 330 county or municipality, all superintendents shall offer a series of demonstrations and  
 331 organized voter education initiatives to equip electors for using such equipment in voting.

332 (b) At least ~~30~~ 45 days before a general primary or election or during the ten days before  
 333 a special primary or election and at least 21 days before a municipal general primary or  
 334 election or during the ten days before a municipal special primary or election, the  
 335 superintendent shall place on public exhibition, in such public places and at such times as  
 336 the superintendent shall deem most suitable for the information and instruction of the  
 337 electors, a sample ballot to be used in such election. The sample ballot shall show the  
 338 offices and questions to be voted upon, the names and arrangements of the political parties  
 339 and bodies, and the names and arrangements of the candidates to be voted for. Such  
 340 sample ballots shall be under the charge and care of a person who is, in the opinion of the

341 superintendent, competent and qualified as an instructor concerning such ballots and voting  
342 procedures."

343 **SECTION 17.**

344 Said chapter is further amended by revising Code Section 21-2-380, relating to definition of  
345 absentee elector, as follows:

346 "21-2-380.

347 (a) As used in this article, the term 'absentee elector' means an elector of this state or a  
348 municipality thereof who casts a ballot in a primary, election, or runoff other than in person  
349 at the polls on the day of such primary, election, or runoff:

350 ~~(1) Is required to be absent from his or her precinct during the time of the primary or~~  
351 ~~election he or she desires to vote in;~~

352 ~~(2) Will perform any of the official acts or duties set forth in this chapter in connection~~  
353 ~~with the primary or election he or she desires to vote in;~~

354 ~~(3) Because of physical disability or because of being required to give constant care to~~  
355 ~~someone who is physically disabled, will be unable to be present at the polls on the day~~  
356 ~~of such primary or election;~~

357 ~~(4) Because the election or primary falls upon a religious holiday observed by such~~  
358 ~~elector, will be unable to be present at the polls on the day of such primary or election;~~

359 ~~(5) Is required to remain on duty in his or her place of employment for the protection of~~  
360 ~~the health, life, or safety of the public during the entire time the polls are open when such~~  
361 ~~place of employment is within the precinct in which the voter resides; or~~

362 ~~(6) Is 75 years of age or older.~~

363 (b) An elector who ~~requests an~~ votes by absentee ballot by mail or who casts an absentee  
364 ballot in person at the registrar's office or absentee ballot clerk's office shall not be required  
365 to provide a reason in order to cast an absentee ballot in any primary, election, or ~~run-off~~  
366 primary or election runoff."

367 **SECTION 18.**

368 Said chapter is further amended by revising subsection (a) of Code Section 21-2-381, relating  
369 to making of application for an absentee ballot, as follows:

370 "(a)(1)(A) Except as otherwise provided in Code Section 21-2-219, not more than 180  
371 days prior to the date of the primary or election, or runoff of either, in which the elector  
372 desires to vote, any absentee elector may make, either by mail, by facsimile  
373 transmission, or in person in the registrar's or absentee ballot clerk's office, an  
374 application for an official ballot of the elector's precinct to be voted at such primary,  
375 election, or runoff. Persons who are entitled to vote by absentee ballot under the federal

376 Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et  
377 seq., as amended, may additionally make application for an official ballot by electronic  
378 transmission.

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

385 (C) The application shall be in writing and shall contain sufficient information for  
386 proper identification of the elector; the permanent or temporary address of the elector  
387 to which the absentee ballot shall be mailed; the identity of the primary, election, or  
388 runoff in which the elector wishes to vote; ~~the reason for requesting the absentee ballot,~~  
389 ~~if applicable;~~ and the name and relationship of the person requesting the ballot if other  
390 than the elector.

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

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

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

401 (G) One timely and proper application for an absentee ballot for use in a primary or  
402 election shall be sufficient to require the mailing of the absentee ballot for such primary  
403 or election as well as for any runoffs resulting therefrom and for all primaries and  
404 elections for federal offices and any runoffs therefrom, including presidential  
405 preference primaries, held during the period beginning upon the receipt of such  
406 absentee ballot application and extending through the second regularly scheduled  
407 general election in which federal candidates are on the ballot occurring thereafter to an  
408 eligible absentee elector who lives outside the county or municipality in which the  
409 election is held and is also a member of the armed forces of the United States, a  
410 member of the merchant marine of the United States, or a spouse or dependent of a  
411 member of the armed forces or the merchant marine residing with or accompanying  
412 said member or overseas citizen.

413 (H) Any elector meeting criteria of advanced age or disability specified by rule or  
 414 regulation of the State Election Board may request in writing on one application a ballot  
 415 for a primary as well as for any runoffs resulting therefrom and for the election for  
 416 which such primary shall nominate candidates as well as any runoffs resulting  
 417 therefrom. If not so requested by such person, a separate and distinct application shall  
 418 be required for each primary, run-off primary, election, and run-off election. Except  
 419 as otherwise provided in this subparagraph, a separate and distinct application for an  
 420 absentee ballot shall always be required for the presidential preference primary held  
 421 pursuant to Article 5 of this chapter and for any special election or special primary.

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

427 ~~(3) All applications for an official absentee ballot that are distributed by a person, entity,  
 428 or organization shall list thereon all of the legally acceptable categories of absentee  
 429 electors contained in Code Section 21-2-380 and shall require the elector to select the  
 430 category which qualifies the elector to vote by absentee ballot, if applicable. Such  
 431 applications, if properly completed by the elector or other authorized person and returned  
 432 to the registrar or absentee ballot clerk, as appropriate, shall be processed by the registrar  
 433 or absentee ballot clerk and, if the elector is found to be qualified, an absentee ballot shall  
 434 be mailed or delivered in the office of the registrar or absentee ballot clerk to such elector~~  
 435 Reserved.

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

447 **SECTION 19.**

448 Said chapter is further amended by revising subsection (b) of Code Section 21-2-382, relating  
 449 to additional sites as additional registrar's office or place of registration for absentee ballots,  
 450 as follows:

451 "(b) Any other provisions of this chapter to the contrary notwithstanding, in all counties  
 452 of this state having a population of 550,000 or more ~~or having a population between 88,000~~  
 453 ~~and 90,000~~ according to the United States decennial census of 1990 or any future such  
 454 census, any branch of the county courthouse or courthouse annex established within any  
 455 such county shall be an additional registrar's or absentee ballot clerk's office or place of  
 456 registration for the purpose of receiving absentee ballots under Code Section 21-2-381 and  
 457 for the purpose of voting absentee ballots under Code Section 21-2-385."

458 **SECTION 20.**

459 Said chapter is further amended by revising subsection (b) of Code Section 21-2-383, relating  
 460 to absentee ballots and casting absentee ballot in person using DRE unit, as follows:

461 "(b) Notwithstanding any other provision of this Code section, in jurisdictions in which  
 462 direct recording electronic (DRE) voting systems may are used at the polling places on  
 463 election day, such direct recording electronic (DRE) voting systems shall be used for  
 464 casting absentee ballots in person at a registrar's or absentee ballot clerk's office or in  
 465 accordance with Code Section 21-2-382, providing for additional sites. ~~In such cases, the~~  
 466 ~~absentee ballots shall be coded in such a way that the ballot of a challenged voter can be~~  
 467 ~~separated from other valid ballots at the time of tabulation until the challenge is resolved."~~

468 **SECTION 21.**

469 Said chapter is further amended by revising subsection (c) of Code Section 21-2-385, relating  
 470 to procedure for voting by absentee ballot, as follows:

471 "(c) When an elector applies in person for an absentee ballot, after the absentee ballots  
 472 have been printed, the absentee ballot ~~shall~~ may be issued to the elector at the time of the  
 473 application therefor within the confines of the registrar's or absentee ballot clerk's office  
 474 or may be mailed to the elector, depending upon the elector's request. If the ballot is issued  
 475 to the elector at the time of application, ~~and~~ the elector shall then and there within the  
 476 confines of the registrar's or absentee ballot clerk's office vote and return the absentee  
 477 ballot as provided in subsections (a) and (b) of this Code section. The board of registrars  
 478 or absentee ballot clerk shall furnish accommodations to the elector to ensure the privacy  
 479 of the elector while voting his or her absentee ballot."

480 **SECTION 22.**

481 Said chapter is further amended by revising Code Section 21-2-414, relating to restrictions  
 482 on campaign activities and public opinion polling within the vicinity of a polling place, as  
 483 follows:

484 "21-2-414.

485 (a) No person shall solicit votes in any manner or by any means or method, nor shall any  
 486 person distribute or display any campaign literature, newspaper, booklet, pamphlet, card,  
 487 sign, paraphernalia, or any other written or printed matter of any kind, nor shall any person  
 488 solicit signatures for any petition or conduct any exit poll or public opinion poll with voters  
 489 on any ~~primary or election~~ day in which ballots are being cast:

490 (1) Within 150 feet of the outer edge of any building within which a polling place is  
 491 established;

492 (2) Within any polling place; or

493 (3) Within 25 feet of any voter standing in line to vote at any polling place.

494 ~~(b) No person shall solicit signatures for any petition on any primary or election day:~~

495 ~~(1) Within 150 feet of the outer edge of any building within which a polling place is~~  
 496 ~~established;~~

497 ~~(2) Within any polling place; or~~

498 ~~(3) Within 25 feet of any voter standing in line to vote at any polling place.~~

499 ~~(c) No person shall solicit votes in any manner or by any means or method, nor shall any~~  
 500 ~~person distribute any campaign literature, newspaper, booklet, pamphlet, card, sign, or any~~  
 501 ~~other written or printed matter of any kind, nor shall any person conduct any exit poll or~~  
 502 ~~public opinion poll with voters within a room under the control or supervision of the~~  
 503 ~~registrars or absentee ballot clerk in which absentee ballots are being cast on any day or~~  
 504 ~~within 150 feet of any elector waiting to cast an absentee ballot pursuant to subsection (b)~~  
 505 ~~of Code Section 21-2-380. No campaign literature, booklet, pamphlet, card, sign, or other~~  
 506 ~~written or printed matter shall be displayed in any building containing a room under the~~  
 507 ~~control or supervision of the registrars or absentee ballot clerk in which absentee ballots~~  
 508 ~~are cast during the period when absentee ballots are available for voting. These restrictions~~  
 509 ~~shall not apply to conduct occurring in private offices or areas which cannot be seen or~~  
 510 ~~heard by such electors.~~

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

514 ~~(d.1)~~ (b) Rooms under the control or supervision of the board of registrars or absentee  
 515 ballot clerk in which absentee ballots are being cast shall be considered polling places.

516 ~~(e)~~ (c) No person shall use a cellular telephone or other electronic communication device  
 517 once such person has been issued a ballot or, in the case of precincts using voting machines  
 518 or electronic recording voting systems, once the person has entered the voting machine or  
 519 voting enclosure or booth. This subsection shall not prohibit the use of cellular telephones  
 520 by poll officials.

521 ~~(f)~~ (d) No person whose name appears as a candidate on the ballot being voted upon at a  
 522 primary, election, special primary, or special election, except a judge of the probate court  
 523 serving as the election superintendent, shall physically enter any polling place other than  
 524 the polling place at which that person is authorized to cast his or her ballot for that primary,  
 525 election, special primary, or special election and, after casting his or her ballot, the  
 526 candidate shall not return to such polling place until after the poll has closed and voting has  
 527 ceased or other than to transact business with the board of registrars, so long as the person  
 528 does not violate any other provision of this Code section. Judges of the probate court  
 529 serving as election superintendents shall enter polling places only as necessary to fulfill  
 530 their duties as election superintendents and shall not engage in any practice prohibited by  
 531 this Code section.

532 ~~(g)~~ (e) This Code section shall not be construed to prohibit a poll officer from distributing  
 533 materials, as required by law, which are necessary for the purpose of instructing electors  
 534 or from distributing materials prepared by the Secretary of State which are designed solely  
 535 for the purpose of encouraging voter participation in the election being conducted.

536 ~~(h)~~ (f) Any person who violates this Code section shall be guilty of a misdemeanor."

537 **SECTION 23.**

538 Said chapter is further amended by revising subsection (c) of Code Section 21-2-419, relating  
 539 to validation of provisional ballots, as follows:

540 "(c)(1) If the registrars determine after the polls close, but not later than ~~two~~ three days  
 541 following the primary or election, that the person casting the provisional ballot timely  
 542 registered to vote and was eligible and entitled to vote in such primary or election, the  
 543 registrars shall notify the election superintendent and the provisional ballot shall be  
 544 counted and included in the ~~county~~ county's or municipality's certified election results.

545 (2) If the registrars determine after the polls close, but not later than ~~two~~ three days  
 546 following the primary or election, that the person voting the provisional ballot timely  
 547 registered and was eligible and entitled to vote in the primary or election but voted in the  
 548 wrong precinct, then the board of registrars shall notify the election superintendent. The  
 549 superintendent shall count such person's votes which were cast for candidates in those  
 550 races for which the person was entitled to vote but shall not count the votes cast for  
 551 candidates in those races in which such person was not entitled to vote. The



552 superintendent shall order the proper election official at the tabulating center or precinct  
 553 to prepare an accurate duplicate ballot containing only those votes cast by such person  
 554 in those races in which such person was entitled to vote for processing at the tabulating  
 555 center or precinct, which shall be verified in the presence of a witness. Such duplicate  
 556 ballot shall be clearly labeled with the word 'Duplicate,' shall bear the designation of the  
 557 polling place, and shall be given the same serial number as the original ballot. The  
 558 original ballot shall be retained.

559 (3) If the registrars determine that the person casting the provisional ballot did not timely  
 560 register to vote or was not eligible or entitled to vote in such primary or election or shall  
 561 be unable to determine within ~~two~~ three days following such primary or election whether  
 562 such person timely registered to vote and was eligible and entitled to vote in such primary  
 563 or election, the registrars shall so notify the election superintendent and such ballot shall  
 564 not be counted. The election superintendent shall mark or otherwise document that such  
 565 ballot was not counted and shall deliver and store such ballots with all other ballots and  
 566 election materials as provided in Code Section 21-2-500."

567 **SECTION 24.**

568 Said chapter is further amended by revising subsection (a) of Code Section 21-2-501, relating  
 569 to number of votes required for election, as follows:

570 "(a) Except as otherwise provided in this Code section, no candidate shall be nominated  
 571 for public office in any primary or special primary or elected to public office in any  
 572 election or special election unless such candidate shall have received a majority of the  
 573 votes cast to fill such nomination or public office. In instances where no candidate receives  
 574 a majority of the votes cast, a run-off primary, special primary runoff, run-off election, or  
 575 special election runoff between the candidates receiving the two highest numbers of votes  
 576 shall be held. Unless such date is postponed by a court order, such run-off primary or  
 577 special primary runoff shall be held on the twenty-first day after the day of holding the  
 578 preceding primary or special primary, provided that, unless postponed by court order, a  
 579 runoff in the case of an election or special election shall be held on the twenty-eighth day  
 580 after the day of holding the preceding election or special election; provided, however, that,  
 581 in the event that a special election is held at the time of a general primary, any special  
 582 election runoff shall be held at the time of the general primary runoff. If any candidate  
 583 eligible to be in a runoff withdraws, dies, or is found to be ineligible, the remaining  
 584 candidates receiving the two highest numbers of votes shall be the candidates in the runoff.  
 585 The candidate receiving the highest number of the votes cast in such run-off primary,  
 586 special primary runoff, run-off election, or special election runoff to fill the nomination or  
 587 public office sought shall be declared the winner. The name of a write-in candidate eligible

588 for election in a runoff shall be printed on the election or special election run-off ballot in  
 589 the independent column. The run-off primary, special primary runoff, run-off election, or  
 590 special election runoff shall be a continuation of the primary, special primary, election, or  
 591 special election for the particular office concerned. Only the electors who were duly  
 592 registered to vote and not subsequently deemed disqualified to vote in the primary, special  
 593 primary, election, or special election for candidates for that particular office shall be  
 594 entitled to vote therein, and only those votes cast for the persons designated as candidates  
 595 in such run-off primary, special primary runoff, run-off election, or special election runoff  
 596 shall be counted in the tabulation and canvass of the votes cast. No elector shall vote in a  
 597 run-off primary or special primary runoff in violation of Code Section 21-2-224."

598

### SECTION 25.

599 Said chapter is further amended by revising subsection (b) of Code Section 21-2-540, relating  
 600 to conduct of special elections generally, as follows:

601 "(b) At least 29 days shall intervene between the call of a special primary and the holding  
 602 of same, and at least 29 days shall intervene between the call of a special election and the  
 603 holding of same. The period during which candidates may qualify to run in a special  
 604 primary or a special election shall remain open for a minimum of two and one-half days.  
 605 Special elections which are to be held in conjunction with a state-wide general primary or  
 606 state-wide general election shall be called at least ~~60~~ 90 days prior to the date of such  
 607 state-wide general primary or state-wide general election; provided, however, that this  
 608 requirement shall not apply to special elections held on the same date as such state-wide  
 609 general primary or state-wide general election but conducted completely separate and apart  
 610 from such state-wide general primary or state-wide general election using different ballots  
 611 or voting equipment, facilities, poll workers, and paperwork."

612

### SECTION 26.

613 Said chapter is further amended by revising subsection (a) of Code Section 21-2-562, relating  
 614 to fraudulent entries, as follows:

615 "(a) Any person who willfully:  
 616 (1) Inserts or permits to be inserted any fictitious name, false figure, false statement, or  
 617 other fraudulent entry on or in any registration card, electors list, voter's certificate,  
 618 affidavit, tally paper, general or duplicate return sheet, statement, certificate, oath,  
 619 voucher, account, ballot or ~~ballot card~~, or other record or document authorized or required  
 620 to be made, used, signed, returned, or preserved for any public purpose in connection  
 621 with any primary or election;

622 (2) Alters materially or intentionally destroys any entry which has been lawfully made  
 623 therein; or  
 624 (3) Takes or removes any book, affidavit, return, account, ballot ~~or ballot card~~, or other  
 625 document or record from the custody of any person having lawful charge thereof, in order  
 626 to prevent the same from being used or inspected or copied as required or permitted by  
 627 this chapter  
 628 shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment  
 629 for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00,  
 630 or both."

631 **SECTION 27.**

632 Said chapter is further amended by revising Code Section 21-2-568, relating to entry into  
 633 voting compartment or booth while another is voting, as follows:

634 "21-2-568.

635 (a) Any person who knowingly:

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

639 (2) Interferes with any elector marking his or her ballot ~~or ballot card~~ or registering his  
 640 or her vote;

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

643 (4) Discloses to anyone how another elector voted, without said elector's consent, except  
 644 when required to do so in any legal proceeding

645 shall be guilty of a felony.

646 (b) Any person who, while giving lawful assistance to another, attempts to influence the  
 647 vote of the elector he or she is assisting or marks a ballot ~~or ballot card~~ or registers a vote  
 648 in any other way than that requested by the voter he or she is assisting shall be guilty of a  
 649 felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than  
 650 one nor more than ten years or to pay a fine not to exceed \$100,000.00, or both."

651 **SECTION 28.**

652 Said chapter is further amended by revising Code Section 21-2-574, relating to unlawful  
 653 possession of ballots, as follows:

654 "21-2-574.

655 Any person, other than an officer charged by law with the care of ballots ~~or ballot cards~~ or  
 656 a person entrusted by any such officer with the care of the same for a purpose required by

657 law, who has in his or her possession outside the polling place any official ballot ~~or ballot~~  
658 ~~card~~ shall be guilty of a felony."

659 **SECTION 29.**

660 Said chapter is further amended by revising subsection (a) of Code Section 21-2-575, relating  
661 to counterfeit ballots, ballot cards, or ballot labels, as follows:

662 "(a) Any person who makes, constructs, or has in his or her possession any counterfeit of  
663 an official ballot, ~~ballot card~~, or ballot label shall be guilty of a felony."

664 **SECTION 30.**

665 Said chapter is further amended by revising Code Section 21-2-576, relating to destroying,  
666 defacing, or delaying delivery of ballots or ballot cards, as follows:

667 "21-2-576.

668 Any person who willfully destroys or defaces any ballot ~~or ballot card~~ or willfully delays  
669 the delivery of any ballots ~~or ballot cards~~ shall be guilty of a misdemeanor."

670 **SECTION 31.**

671 Said chapter is further amended by revising Code Section 21-2-578, relating to unfolding,  
672 opening, or prying into ballots and ballot cards, as follows:

673 "21-2-578.

674 Any person who, before any ballot ~~or ballot card~~ is deposited in the ballot box as provided  
675 by this chapter, willfully unfolds, opens, or pries into any such ballot ~~or ballot card~~ with  
676 the intent to discover the manner in which the same has been marked shall be guilty of a  
677 misdemeanor."

678 **SECTION 32.**

679 Said chapter is further amended by revising Code Section 21-2-579, relating to fraudulently  
680 allowing ballot, ballot card, or voting machine to be seen, as follows:

681 "21-2-579.

682 Any voter at any primary or election who:

683 (1) Allows his or her ballot, ~~ballot card~~, or the face of the voting machine used by him  
684 or her to be seen by any person with the apparent intention of letting it be known for a  
685 fraudulent purpose how he or she is about to vote;

686 (2) Casts or attempts to cast any other than the official ballot ~~or ballot card~~ which has  
687 been given to him or her by the proper poll officer, or advises or procures another to do  
688 so;

689 (3) Without having made the affirmation under oath or declaration required by Code  
 690 Section 21-2-409, or when the disability which he or she declared at the time of  
 691 registration no longer exists, permits another to accompany him or her into the voting  
 692 compartment or voting machine booth or to mark his or her ballot or to register his or her  
 693 vote on the voting machine or direct recording electronic (DRE) equipment; or  
 694 (4) States falsely to any poll officer that because of his or her inability to read the English  
 695 language or because of blindness, near-blindness, or other physical disability he or she  
 696 cannot mark the ballot ~~or ballot card~~ or operate the voting machine without assistance  
 697 shall be guilty of a misdemeanor."

698 **SECTION 33.**

699 Said chapter is further amended by revising Code Section 21-2-587, relating to frauds by poll  
 700 officers, as follows:

701 "21-2-587.

702 Any poll officer who willfully:

- 703 (1) Makes a false return of the votes cast at any primary or election;
- 704 (2) Deposits fraudulent ballots ~~or ballot cards~~ in the ballot box or certifies as correct a  
 705 false return of ballots ~~or ballot cards~~;
- 706 (3) Registers fraudulent votes upon any voting machine or certifies as correct a return  
 707 of fraudulent votes cast upon any voting machine;
- 708 (4) Makes any false entries in the electors list;
- 709 (5) Destroys or alters any ballot, ~~ballot card~~, voter's certificate, or electors list;
- 710 (6) Tampers with any voting machine, direct recording electronic (DRE) equipment, or  
 711 tabulating computer or device;
- 712 (7) Prepares or files any false voter's certificate not prepared by or for an elector actually  
 713 voting at such primary or election; or
- 714 (8) Fails to return to the officials prescribed by this chapter, following any primary or  
 715 election, any keys of a voting machine, ballot box, general or duplicate return sheet, tally  
 716 paper, oaths of poll officers, affidavits of electors and others, record of assisted voters,  
 717 numbered list of voters, electors list, voter's certificate, spoiled and canceled ballots ~~or~~  
 718 ~~ballot cards~~, ballots ~~or ballot cards~~ deposited, written, or affixed in or upon a voting  
 719 machine, DRE memory cards, or any certificate or any other paper or record required to  
 720 be returned under this chapter  
 721 shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment  
 722 for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00,  
 723 or both."

724 **SECTION 34.**

725 Said chapter is further amended by revising Code Section 21-2-588, relating to premature  
726 counting of votes by poll officer, as follows:

727 "21-2-588.

728 ~~Any~~ Except as provided in Code Section 21-2-386, any poll officer who counts any votes  
729 before the close of the polls or before the last person has voted, whichever occurs later in  
730 time, on the day of any primary or election shall be guilty of a misdemeanor."

731 **SECTION 35.**

732 Said chapter is further amended by revising Code Section 21-2-594, relating to offenses by  
733 printers of ballots, as follows:

734 "21-2-594.

735 Any printer employed to print any official ballots ~~or ballot cards~~ for use in a primary or  
736 election, or any person engaged in printing the same, who:

737 (1) Appropriates to himself or herself or gives or delivers, or knowingly permits to be  
738 taken, any of said ballots ~~or ballot cards~~ by any unauthorized person; or

739 (2) Willfully and knowingly prints, or causes to be printed, any official ballot ~~or ballot~~  
740 ~~cards~~ in any form other than that prescribed by the appropriate officials or with any other  
741 names or printing, or with the names spelled otherwise than as directed by such officials  
742 or the names or printing thereon arranged in any other way than that authorized and  
743 directed by this chapter

744 shall be guilty of a felony."

745 **SECTION 36.**

746 Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital records,  
747 is amended by revising subsection (g) of Code Section 31-10-15, relating to death  
748 certificates, as follows:

749 "(g) ~~By the twentieth~~ On or before the tenth day of each month, the state registrar shall  
750 furnish to the Secretary of State's office, in a format prescribed by the Secretary's office,  
751 a list of those persons for whom death certificates have been filed during the preceding  
752 month. Such list shall be used by the Secretary of State to notify local registration officers  
753 for the purpose of purging the voter registration list of each county."

754 **SECTION 37.**

755 Article 2 of Chapter 15 of Title 45 of the Official Code of Georgia Annotated, relating to the  
756 Department of Law, is amended by adding a new Code section to read as follows:

757 "45-15-35.1.  
758 Notwithstanding any other provision of law to the contrary, at his discretion, the Governor  
759 shall have the power to seek preclearance of any change affecting voting pursuant to  
760 Section 5 of the federal Voting Rights Act of 1965, as amended, 42 U.S.C. Section 1973c,  
761 including the authority to institute litigation in the name of the state and to designate legal  
762 counsel for the state in such case."

763 **SECTION 38.**

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