

House Bill 540

By: Representatives Scott of the 153rd and Yates of the 73rd

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 a
3 time within which financial institutions must certify wrongful dishonor of candidate
4 qualifying checks; to provide that a candidate who submits an improper nomination petition
5 shall not be qualified; to provide that a valid signature on a petition shall be sufficient to
6 remove an elector from the inactive list regardless of the validity of the petition as a whole;
7 to provide that registration applications may be mailed to the board of registrars; to provide
8 for the date stamping of voter registration applications that do not contain a date stamp or
9 contain an illegible date stamp; to provide for the confidentiality of certain information; to
10 provide for the procedure for voting a challenged ballot; to provide that no election shall be
11 held in a precinct in which there are no opposed candidates unless there is a qualified write-in
12 candidate; to provide that DRE units shall be demonstrated on request and do not have to be
13 on display during the month preceding a primary or election; to delete the reasons for voting
14 by absentee ballot; to provide that absentee ballots may be requested by electronic
15 transmission; to provide for additional sites for the board of registrars and absentee ballot
16 clerks; to repeal the requirement that counties having a population of between 88,000 and
17 90,000 according to the 1990 census or any future census shall designate any branch of the
18 courthouse or courthouse annex as an additional registrar's office; to require jurisdictions
19 using DRE units for voting on election day to use such units for in-person absentee voting;
20 to provide that an absentee ballot may be issued for immediate voting to a person who
21 applies in person at the registrar's or absentee ballot clerk's office when the ballots are ready;
22 to provide that an elector whose absentee ballot is rejected shall be provided an additional
23 opportunity to vote; to revise the prohibition concerning exit and public opinion polling in
24 close proximity to a polling place on an election day; to extend the period for verifying
25 provisional ballots; to extend the deadline for special elections to be placed on a state-wide
26 general primary or general election ballot; to provide an exception to the prohibition against
27 prematurely counting votes for the counting of absentee votes; to provide for related matters;
28 to repeal conflicting laws; and for other purposes.

29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

30 **SECTION 1.**

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

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

36 **SECTION 2.**

37 Said chapter is further amended by revising subsection (d) of Code Section 21-2-5, relating
38 to qualifications of candidates for federal and state office, as follows:

39 "(d) In the event that a candidate pays his or her qualifying fee with a check that is
40 subsequently returned for insufficient funds, the Secretary of State shall automatically find
41 that such candidate has not met the qualifications for holding the office being sought,
42 unless the bank, credit union, or other financial institution returning the check certifies in
43 writing by an officer's or director's oath that the bank, credit union, or financial institution
44 erred in returning the check and such certification is received by the Secretary of State no
45 later than the fourteenth day immediately following the close of qualifying for the office
46 sought by such candidate."

47 **SECTION 3.**

48 Said chapter is further amended by revising subsection (d) of Code Section 21-2-6, relating
49 to qualifications of candidates for county and municipal office, as follows:

50 "(d) In the event that a candidate pays his or her qualifying fee with a check that is
51 subsequently returned for insufficient funds, the superintendent shall automatically find
52 that such candidate has not met the qualifications for holding the office being sought,
53 unless the bank, credit union, or other financial institution returning the check certifies in
54 writing by an officer's or director's oath that the bank, credit union, or financial institution
55 erred in returning the check and such certification is received by the superintendent no later
56 than the fourteenth day immediately following the close of qualifying for the office sought
57 by such candidate."

58 **SECTION 4.**

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

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

66 (1) ~~It contains~~ Contains material errors or defects apparent on the face thereof;

67 (2) ~~It contains~~ Contains material alterations made after signing without the consent of the
 68 signers; or

69 (3) ~~It does~~ Does not contain a sufficient number of signatures of registered voters as
 70 required by law.

71 The Secretary of State or any superintendent shall review the petition for compliance with
 72 the provisions of Code Section 21-2-170 and shall disregard any pages or signatures that
 73 are not in conformance with the provisions of that Code section. The Secretary of State or
 74 any superintendent may question the genuineness of any signature appearing on a petition
 75 or the qualification of any signer whose signature appears thereon and, if he or she shall
 76 thereupon find that any such signature is improper, such signature shall be disregarded in
 77 determining whether the petition contains a sufficient number of signatures as required by
 78 law. The invalidity of any sheet of a nomination petition shall not affect the validity of
 79 such petition if a sufficient petition remains after eliminating such invalid sheet."

80 **SECTION 5.**

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

83 "(a) The Secretary of State shall design, publish, and distribute voter registration
 84 application forms with which a person may apply to register to vote by completing and
 85 mailing the form to the Secretary of State or to the board of registrars of the person's county
 86 of residence. The Secretary of State shall forward the applications that he or she receives
 87 to the appropriate county board of registrars to determine the eligibility of the applicant
 88 and, if found eligible, to add the applicant's name to the list of electors and to place the
 89 applicant in the correct precinct and voting districts."

90 **SECTION 6.**

91 Said chapter is further amended by revising subsection (c) of Code Section 21-2-224, relating
 92 to registration deadlines, as follows:

93 "(c)(1) Mail voter registration applications shall be deemed to have been made as of the
 94 date of the postmark affixed to such application by the United States Postal Service or,
 95 if no such postmark is affixed or if the postmark affixed by the United States Postal

96 Service is illegible or bears no date, such application shall be deemed to have been made
 97 timely if received through the United States mail by the Secretary of State no later than
 98 the close of business on the fourth Friday prior to a general primary, general election,
 99 presidential preference primary, or special primary or special election held in conjunction
 100 with a general primary, general election, or presidential preference primary or special
 101 primary or special election held on one of the dates specified in Code Section 21-2-540
 102 for the conduct of special elections to present questions to the voters or special primaries
 103 or special elections to fill vacancies in elected county or municipal offices or no later than
 104 the close of business on the ninth day after the date of the call, excluding Saturdays,
 105 Sundays, and legal holidays of this state, for all other special primaries and special
 106 elections.

107 (2) The board of registrars shall, as of the date received, date stamp all voter registration
 108 applications delivered by hand to the board or otherwise received when the application
 109 does not have a date stamp affixed by the Secretary of State or a postmark affixed by the
 110 United States Postal Service or when the postmark affixed by the United States Postal
 111 Service is illegible or bears no date. In any such instance, a voter registration application
 112 shall be deemed to have been made as of the date stamp affixed to such application by
 113 the board of registrars that receives such application and shall be processed in accordance
 114 with paragraph (1) of this subsection.

115 (3) Any application of a person who is a resident of a county in this state that is delivered
 116 to the board of registrars of another county through mistake, inadvertence, neglect, or
 117 otherwise that does not have a date stamp affixed by the Secretary of State or a postmark
 118 affixed by the United States Postal Service or when the postmark affixed by the United
 119 States Postal Service is illegible or bears no date shall be date stamped by the receiving
 120 board of registrars and shall be forwarded as soon as possible and, in any event, not later
 121 than seven days after receipt of the application to the correct board of registrars by the
 122 receiving county. In any such instance, a voter registration application shall be deemed
 123 to have been made as of the date stamp affixed to such application by the board of
 124 registrars that originally receives such application and shall be processed by the correct
 125 board of registrars in accordance with paragraph (1) of this subsection."

126 **SECTION 7.**

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

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

132 subsection (c) of Code Section 21-2-220 and subsection (c) of Code Section 21-2-417, the
 133 ~~date~~ month and day of birth, the social security numbers; and driver's license numbers of
 134 the electors, and the locations at which the electors applied to register to vote, which shall
 135 remain confidential and shall be used only for voter registration purposes; provided,
 136 however, that any and all information relating to the ~~dates~~ month and day of birth; and
 137 social security numbers; and driver's license numbers of electors may be made available
 138 to other state agencies if the agency is authorized to maintain such information and the
 139 information is used only to identify the elector on the receiving agency's data base and is
 140 not disseminated further and remains confidential."

141 **SECTION 8.**

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

144 "(i) If the challenged elector appears at the polls to vote and it is not practical to conduct
 145 a hearing prior to the close of the polls or if the registrars begin a hearing and subsequently
 146 find that a decision on the challenge cannot be rendered within a reasonable time, the
 147 challenged elector shall be permitted to vote by casting a challenged ballot on the same
 148 type of ballot that is used by the county or municipality for mail-in absentee ballots. Such
 149 challenged ballot shall be sealed in double envelopes as provided in Code Section 21-2-384
 150 and, after having the word 'Challenged' and the elector's name written across the back of
 151 the ~~elector's ballot~~ outer envelope, the ballot shall be deposited by the person casting such
 152 ballot in a secure, sealed ballot box notwithstanding the fact that the polls may have closed
 153 prior to the time the registrars make such a determination, provided that the elector
 154 proceeds to vote immediately after such determination of the registrars. In such cases, if
 155 the challenge is based upon the grounds that the challenged elector is not qualified to
 156 remain on the list of electors, the registrars shall proceed to finish the hearing prior to the
 157 certification of the consolidated returns of the election by the election superintendent. If
 158 the challenge is based on other grounds, no further action shall be required by the
 159 registrars. The election superintendent shall not certify such consolidated returns until such
 160 hearing is complete and the registrars have rendered their decision on the challenge. If the
 161 registrars deny the challenge, the superintendent shall proceed to certify the consolidated
 162 returns. If the registrars uphold the challenge, the name of the challenged elector shall be
 163 removed from the list of electors and the ballot of the challenged elector shall be rejected
 164 and not counted and, if necessary, the returns shall be adjusted to remove any votes cast by
 165 such elector. The elector making the challenge and the challenged elector may appeal the
 166 decision of the registrars in the same manner as provided in subsection (e) of Code
 167 Section 21-2-229."

168 **SECTION 9.**

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

171 "(a) In addition to the official list of electors, the Secretary of State shall also maintain an
 172 inactive list of electors. Notwithstanding any other provision of law to the contrary, the
 173 names of electors on the inactive list of electors shall not be counted in computing the
 174 number of ballots required for an election, the number of voting devices needed for a
 175 precinct, the number of electors required to divide or constitute a precinct, or the number
 176 of signatures needed on any petition. However, any elector whose name appears on the
 177 inactive list shall be eligible to sign a petition and such petition signature, if valid and
 178 regardless of the validity of the petition as a whole, shall be sufficient to return the elector
 179 to the official list of electors if the elector still resides at the address listed on the elector's
 180 registration records and shall be grounds to proceed under Code Section 21-2-234 to
 181 confirm the change of address of the elector if the elector provides a different address from
 182 the address which appears on the elector's registration records."

183 **SECTION 10.**

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

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

188 **SECTION 11.**

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

191 "21-2-291.

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

202 **SECTION 12.**

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

205 "21-2-379.8.

- 206 (a) The superintendent or his or her designee shall, upon request, make available for
207 demonstration ~~place on public exhibition and demonstrate the use of the~~ direct recording
208 electronic (DRE) units ~~throughout the county or municipality during the month preceding~~
209 ~~each primary and election.~~ The Secretary of State shall advise the superintendents on
210 recommended methods of demonstrating such units so as to properly educate electors in
211 the use thereof, and, at least during the initial year in which DRE equipment is used in a
212 county or municipality, all superintendents shall offer a series of demonstrations and
213 organized voter education initiatives to equip electors for using such equipment in voting.
- 214 (b) At least ~~30~~ 45 days before a general primary or election or during the ten days before
215 a special primary or election, the superintendent shall place on public exhibition, in such
216 public places and at such times as the superintendent shall deem most suitable for the
217 information and instruction of the electors, a sample ballot to be used in such election. The
218 sample ballot shall show the offices and questions to be voted upon, the names and
219 arrangements of the political parties and bodies, and the names and arrangements of the
220 candidates to be voted for. Such sample ballots shall be under the charge and care of a
221 person who is, in the opinion of the superintendent, competent and qualified as an
222 instructor concerning such ballots and voting procedures."

223 **SECTION 13.**

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

226 "21-2-380.

- 227 (a) As used in this article, the term 'absentee elector' means an elector of this state or a
228 municipality thereof who casts a ballot in a primary, election, or runoff other than in person
229 at the polls on the day of such primary, election, or runoff:
- 230 (1) ~~Is required to be absent from his or her precinct during the time of the primary or~~
231 ~~election he or she desires to vote in;~~
- 232 (2) ~~Will perform any of the official acts or duties set forth in this chapter in connection~~
233 ~~with the primary or election he or she desires to vote in;~~
- 234 (3) ~~Because of physical disability or because of being required to give constant care to~~
235 ~~someone who is physically disabled, will be unable to be present at the polls on the day~~
236 ~~of such primary or election;~~

237 ~~(4) Because the election or primary falls upon a religious holiday observed by such~~
 238 ~~elector, will be unable to be present at the polls on the day of such primary or election;~~
 239 ~~(5) Is required to remain on duty in his or her place of employment for the protection of~~
 240 ~~the health, life, or safety of the public during the entire time the polls are open when such~~
 241 ~~place of employment is within the precinct in which the voter resides; or~~
 242 ~~(6) Is 75 years of age or older.~~

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

247 SECTION 14.

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

250 "(a)(1)(A) Except as otherwise provided in Code Section 21-2-219, not more than 180
 251 days prior to the date of the primary or election, or runoff of either, in which the elector
 252 desires to vote, any absentee elector may make, either by mail, by facsimile
 253 transmission, by electronic transmission, or in person in the registrar's or absentee ballot
 254 clerk's office, an application for an official ballot of the elector's precinct to be voted
 255 at such primary, election, or runoff. ~~Persons who are entitled to vote by absentee ballot~~
 256 ~~under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C.~~
 257 ~~Section 1973ff, et seq., as amended, may additionally make application for an official~~
 258 ~~ballot by electronic transmission.~~

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

265 (C) The application shall be in writing and shall contain sufficient information for
 266 proper identification of the elector; the permanent or temporary address of the elector
 267 to which the absentee ballot shall be mailed; the identity of the primary, election, or
 268 runoff in which the elector wishes to vote; ~~the reason for requesting the absentee ballot,~~
 269 ~~if applicable;~~ and the name and relationship of the person requesting the ballot if other
 270 than the elector.

271 (D) Except in the case of physically disabled electors residing in the county or
 272 municipality, no absentee ballot shall be mailed to an address other than the permanent

273 mailing address of the elector as recorded on the elector's voter registration record or
 274 a temporary out-of-county or out-of-municipality address.

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

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

281 (G) One timely and proper application for an absentee ballot for use in a primary or
 282 election shall be sufficient to require the mailing of the absentee ballot for such primary
 283 or election as well as for any runoffs resulting therefrom and for all primaries and
 284 elections for federal offices and any runoffs therefrom, including presidential
 285 preference primaries, held during the period beginning upon the receipt of such
 286 absentee ballot application and extending through the second regularly scheduled
 287 general election in which federal candidates are on the ballot occurring thereafter to an
 288 eligible absentee elector who lives outside the county or municipality in which the
 289 election is held and is also a member of the armed forces of the United States, a
 290 member of the merchant marine of the United States, or a spouse or dependent of a
 291 member of the armed forces or the merchant marine residing with or accompanying
 292 said member or overseas citizen.

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

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

307 ~~(3) All applications for an official absentee ballot that are distributed by a person, entity,~~
 308 ~~or organization shall list thereon all of the legally acceptable categories of absentee~~
 309 ~~electors contained in Code Section 21-2-380 and shall require the elector to select the~~

310 ~~category which qualifies the elector to vote by absentee ballot, if applicable. Such~~
 311 ~~applications, if properly completed by the elector or other authorized person and returned~~
 312 ~~to the registrar or absentee ballot clerk, as appropriate, shall be processed by the registrar~~
 313 ~~or absentee ballot clerk and, if the elector is found to be qualified, an absentee ballot shall~~
 314 ~~be mailed or delivered in the office of the registrar or absentee ballot clerk to such elector~~
 315 Reserved.

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

327 **SECTION 15.**

328 Said chapter is further amended by revising Code Section 21-2-382, relating to additional
 329 sites as additional registrar's office or place of registration for absentee ballots, as follows:

330 "21-2-382.

331 (a) Any other provisions of this chapter to the contrary notwithstanding, the board of
 332 registrars or absentee ballot clerk may establish additional sites as additional registrar's or
 333 absentee ballot clerk's offices or places of registration for the purpose of receiving absentee
 334 ballots under Code Section 21-2-381 and for the purpose of voting absentee ballots under
 335 Code Section 21-2-385, ~~provided that any such site is~~ consistent with Article 7 of this
 336 chapter. Whenever practicable, a branch of the county courthouse, a courthouse annex, a
 337 government service center providing general government services, or another government
 338 building generally accessible to the public shall be utilized for such additional sites.

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

346 **SECTION 16.**

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

349 "(b) Notwithstanding any other provision of this Code section, in jurisdictions in which
350 direct recording electronic (DRE) voting systems may are used at the polling places on
351 election day, such direct recording electronic (DRE) voting systems shall be used for
352 casting absentee ballots in person at a registrar's office or in accordance with Code Section
353 21-2-382, providing for additional sites. In such cases, the absentee ballots shall be coded
354 in such a way that the ballot of a challenged voter can be separated from other valid ballots
355 at the time of tabulation until the challenge is resolved."

356 **SECTION 17.**

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

359 "(c) When an elector applies in person for an absentee ballot, after the absentee ballots
360 have been printed, the absentee ballot ~~shall~~ may be issued to the elector at the time of the
361 application therefor within the confines of the registrar's or absentee ballot clerk's office
362 or may be mailed to the elector, depending upon the elector's request. If the ballot is issued
363 to the elector at the time of application, ~~and~~ and the elector shall then and there within the
364 confines of the registrar's or absentee ballot clerk's office vote and return the absentee
365 ballot as provided in subsections (a) and (b) of this Code section. The board of registrars
366 or absentee ballot clerk shall furnish accommodations to the elector to ensure the privacy
367 of the elector while voting his or her absentee ballot."

368 **SECTION 18.**

369 Said chapter is further amended by revising Code Section 21-2-388, relating to cancellation
370 of absentee ballots of electors who are present in election precinct during primaries and
371 elections, as follows:

372 "21-2-388.

373 When an absentee ballot which has been voted shall be returned to and received and
374 certified in accordance with subsection (a) of Code Section 21-2-386 by the board of
375 registrars or the absentee ballot clerk, it shall be deemed to have been voted then and there;
376 and no other ballot shall be issued to the same elector. If the board of registrars or absentee
377 ballot clerk rejects an absentee ballot, the elector shall be provided the opportunity to vote
378 in the primary, election, or runoff either by applying for a second absentee ballot if
379 sufficient time remains or by voting in person at the elector's polling place on the day of
380 the primary, election, or runoff. If an elector has requested to vote by absentee ballot and

381 has not received such absentee ballot, has such ballot in his or her possession, or has
 382 returned such ballot but the registrars have not received such ballot, such elector may have
 383 the absentee ballot canceled and vote in person on the day of the primary, election, or
 384 runoff in one of the following ways:

385 (1) If the elector is in possession of the ballot, by surrendering the absentee ballot to the
 386 poll manager of the precinct in which the elector's name appears on the electors list and
 387 then being permitted to vote the regular ballot. The poll manager shall mark 'Canceled'
 388 and the date and time across the face of the absentee ballot and shall initial same. The
 389 poll manager shall also make appropriate notations beside the name of the elector on the
 390 electors list. All such canceled absentee ballots shall be returned with other ballots to the
 391 superintendent; or

392 (2) If the elector has not received the ballot or if the elector has returned the ballot but
 393 the registrars have not received the ballot, by appearing in person before the registrars or
 394 the absentee ballot clerk and requesting in writing that the envelope containing the
 395 elector's absentee ballot be marked 'Canceled.' After having satisfied themselves as to
 396 the identity of such elector, the registrars or the absentee ballot clerk shall grant the
 397 request and shall notify the managers of the elector's precinct as to such action so as to
 398 permit the elector to vote in person in that precinct. If the absentee ballot is in the mail
 399 or its exact location is unknown, the registrar or the absentee ballot clerk shall write
 400 'Canceled' beside the elector's name on the master list of absentee voters and shall cancel
 401 the ballot itself as soon as it is received. Canceled absentee ballots shall be disposed of
 402 in the same manner as provided in subsection (a) of Code Section 21-2-386 for absentee
 403 ballots returned too late to be cast."

404 **SECTION 19.**

405 Said chapter is further amended by revising subsections (a), (b), and (c) of Code
 406 Section 21-2-414, relating to restrictions on campaign activities and public opinion polling
 407 within the vicinity of a polling place, as follows:

408 "(a) No person shall solicit votes in any manner or by any means or method, nor shall any
 409 person distribute or display any campaign literature, newspaper, booklet, pamphlet, card,
 410 sign, or any other written or printed matter of any kind while voting is taking place, ~~nor~~
 411 ~~shall any person conduct any exit poll or public opinion poll with voters on any primary~~
 412 ~~or election day:~~

- 413 (1) Within 150 feet of the outer edge of any building within which a polling place is
 414 established;
- 415 (2) Within any polling place; or
- 416 (3) Within 25 feet of any voter standing in line to vote at any polling place.

417 (b) No person shall ~~solicit signatures for any petition on any primary or election day~~
 418 ~~conduct an exit poll or public opinion poll with voters nor shall any person solicit~~
 419 ~~signatures for any petition while voting is taking place:~~

420 (1) Within ~~150~~ 25 feet of the outer edge of any building within which a polling place is
 421 established;

422 (2) Within any polling place; or

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

424 (c) ~~No person shall solicit votes in any manner or by any means or method, nor shall any~~
 425 ~~person distribute any campaign literature, newspaper, booklet, pamphlet, card, sign, or any~~
 426 ~~other written or printed matter of any kind, nor shall any person conduct any exit poll or~~
 427 ~~public opinion poll with voters within a room under the control or supervision of the~~
 428 ~~registrars or absentee ballot clerk in which absentee ballots are being cast on any day or~~
 429 ~~within 150 feet of any elector waiting to cast an absentee ballot pursuant to subsection (b)~~
 430 ~~of Code Section 21-2-380. No campaign literature, booklet, pamphlet, card, sign, or other~~
 431 ~~written or printed matter shall be displayed in any building containing a room under the~~
 432 ~~control or supervision of the registrars or absentee ballot clerk in which absentee ballots~~
 433 ~~are cast during the period when absentee ballots are available for voting. These~~ The
 434 restrictions contained in subsections (a) and (b) of this Code section shall not apply to
 435 conduct occurring in private offices or areas which cannot be seen or heard by ~~such~~
 436 electors."

437 **SECTION 20.**

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

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

445 (2) If the registrars determine after the polls close, but not later than ~~two~~ three days
 446 following the primary or election, that the person voting the provisional ballot timely
 447 registered and was eligible and entitled to vote in the primary or election but voted in the
 448 wrong precinct, then the board of registrars shall notify the election superintendent. The
 449 superintendent shall count such person's votes which were cast for candidates in those
 450 races for which the person was entitled to vote but shall not count the votes cast for
 451 candidates in those races in which such person was not entitled to vote. The
 452 superintendent shall order the proper election official at the tabulating center or precinct

453 to prepare an accurate duplicate ballot containing only those votes cast by such person
 454 in those races in which such person was entitled to vote for processing at the tabulating
 455 center or precinct, which shall be verified in the presence of a witness. Such duplicate
 456 ballot shall be clearly labeled with the word 'Duplicate,' shall bear the designation of the
 457 polling place, and shall be given the same serial number as the original ballot. The
 458 original ballot shall be retained.

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

467 **SECTION 21.**

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

470 "(b) At least 29 days shall intervene between the call of a special primary and the holding
 471 of same, and at least 29 days shall intervene between the call of a special election and the
 472 holding of same. The period during which candidates may qualify to run in a special
 473 primary or a special election shall remain open for a minimum of two and one-half days.
 474 Special elections which are to be held in conjunction with a state-wide general primary or
 475 state-wide general election shall be called at least ~~60~~ 90 days prior to the date of such
 476 state-wide general primary or state-wide general election; provided, however, that this
 477 requirement shall not apply to special elections held on the same date as such state-wide
 478 general primary or state-wide general election but conducted completely separate and apart
 479 from such state-wide general primary or state-wide general election using different ballots
 480 or voting equipment, facilities, poll workers, and paperwork."

481 **SECTION 22.**

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

484 "(a) Any person who willfully:
 485 (1) Inserts or permits to be inserted any fictitious name, false figure, false statement, or
 486 other fraudulent entry on or in any registration card, electors list, voter's certificate,
 487 affidavit, tally paper, general or duplicate return sheet, statement, certificate, oath,

488 voucher, account, ballot ~~or ballot card~~, or other record or document authorized or required
 489 to be made, used, signed, returned, or preserved for any public purpose in connection
 490 with any primary or election;

491 (2) Alters materially or intentionally destroys any entry which has been lawfully made
 492 therein; or

493 (3) Takes or removes any book, affidavit, return, account, ballot ~~or ballot card~~, or other
 494 document or record from the custody of any person having lawful charge thereof, in order
 495 to prevent the same from being used or inspected or copied as required or permitted by
 496 this chapter

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

500

SECTION 23.

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

503 "21-2-568.

504 (a) Any person who knowingly:

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

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

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

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

514 shall be guilty of a felony.

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

520

SECTION 24.

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

523 "21-2-574.

524 Any person, other than an officer charged by law with the care of ballots ~~or ballot cards~~ or
 525 a person entrusted by any such officer with the care of the same for a purpose required by
 526 law, who has in his or her possession outside the polling place any official ballot ~~or ballot~~
 527 ~~card~~ shall be guilty of a felony."

528 **SECTION 25.**

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

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

533 **SECTION 26.**

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

536 "21-2-576.

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

539 **SECTION 27.**

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

542 "21-2-578.

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

547 **SECTION 28.**

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

550 "21-2-579.

551 Any voter at any primary or election who:

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

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

558 (3) Without having made the affirmation under oath or declaration required by Code
 559 Section 21-2-409, or when the disability which he or she declared at the time of
 560 registration no longer exists, permits another to accompany him or her into the voting
 561 compartment or voting machine booth or to mark his or her ballot or to register his or her
 562 vote on the voting machine or direct recording electronic (DRE) equipment; or

563 (4) States falsely to any poll officer that because of his or her inability to read the English
 564 language or because of blindness, near-blindness, or other physical disability he or she
 565 cannot mark the ballot ~~or ballot card~~ or operate the voting machine without assistance
 566 shall be guilty of a misdemeanor."

567 **SECTION 29.**

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

570 "21-2-587.

571 Any poll officer who willfully:

572 (1) Makes a false return of the votes cast at any primary or election;

573 (2) Deposits fraudulent ballots ~~or ballot cards~~ in the ballot box or certifies as correct a
 574 false return of ballots ~~or ballot cards~~;

575 (3) Registers fraudulent votes upon any voting machine or certifies as correct a return
 576 of fraudulent votes cast upon any voting machine;

577 (4) Makes any false entries in the electors list;

578 (5) Destroys or alters any ballot, ~~ballot card~~, voter's certificate, or electors list;

579 (6) Tampers with any voting machine, direct recording electronic (DRE) equipment, or
 580 tabulating computer or device;

581 (7) Prepares or files any false voter's certificate not prepared by or for an elector actually
 582 voting at such primary or election; or

583 (8) Fails to return to the officials prescribed by this chapter, following any primary or
 584 election, any keys of a voting machine, ballot box, general or duplicate return sheet, tally
 585 paper, oaths of poll officers, affidavits of electors and others, record of assisted voters,
 586 numbered list of voters, electors list, voter's certificate, spoiled and canceled ballots ~~or~~
 587 ~~ballot cards~~, ballots ~~or ballot cards~~ deposited, written, or affixed in or upon a voting
 588 machine, DRE memory cards, or any certificate or any other paper or record required to
 589 be returned under this chapter

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

593 **SECTION 30.**

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

596 "21-2-588.

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

600 **SECTION 31.**

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

603 "21-2-594.

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

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

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

613 shall be guilty of a felony."

614 **SECTION 32.**

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