

The House Committee on Governmental Affairs offers the following substitute to HB 540:

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.

H. B. 540 (SUB)

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~~ day of birth, the social security numbers; and driver's license numbers of the electors,  
 134 and the locations at which the electors applied to register to vote, which shall remain  
 135 confidential and shall be used only for voter registration purposes; provided, however, that  
 136 any and all information relating to the dates of birth, social security numbers, and driver's  
 137 license numbers of electors may be made available to other state agencies if the agency is  
 138 authorized to maintain such information and the information is used only to identify the  
 139 elector on the receiving agency's data base and is not disseminated further and remains  
 140 confidential. Information regarding an elector's month and year of birth shall be available  
 141 for public inspection."

142 **SECTION 8.**

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

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

167 decision of the registrars in the same manner as provided in subsection (e) of Code  
168 Section 21-2-229."

169 **SECTION 9.**

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

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

184 **SECTION 10.**

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

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

189 **SECTION 11.**

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

192 "21-2-291.

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

201 candidate as elected in the same manner as he or she certifies other candidates as elected  
 202 pursuant to Code Section 21-2-493."

203 **SECTION 12.**

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

206 "21-2-379.8.

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

215 (b) At least ~~30~~ 45 days before a general primary or election or during the ten days before  
 216 a special primary or election, the superintendent shall place on public exhibition, in such  
 217 public places and at such times as the superintendent shall deem most suitable for the  
 218 information and instruction of the electors, a sample ballot to be used in such election. The  
 219 sample ballot shall show the offices and questions to be voted upon, the names and  
 220 arrangements of the political parties and bodies, and the names and arrangements of the  
 221 candidates to be voted for. Such sample ballots shall be under the charge and care of a  
 222 person who is, in the opinion of the superintendent, competent and qualified as an  
 223 instructor concerning such ballots and voting procedures."

224 **SECTION 13.**

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

227 "21-2-380.

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

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

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

235 ~~(3) Because of physical disability or because of being required to give constant care to~~  
 236 ~~someone who is physically disabled, will be unable to be present at the polls on the day~~  
 237 ~~of such primary or election;~~  
 238 ~~(4) Because the election or primary falls upon a religious holiday observed by such~~  
 239 ~~elector, will be unable to be present at the polls on the day of such primary or election;~~  
 240 ~~(5) Is required to remain on duty in his or her place of employment for the protection of~~  
 241 ~~the health, life, or safety of the public during the entire time the polls are open when such~~  
 242 ~~place of employment is within the precinct in which the voter resides; or~~  
 243 ~~(6) Is 75 years of age or older.~~  
 244 (b) An elector who requests an votes by absentee ballot by mail or who casts an absentee  
 245 ballot in person at the registrar's office or absentee ballot clerk's office shall not be required  
 246 to provide a reason in order to cast an absentee ballot in any primary, election, or ~~run-off~~  
 247 primary or election runoff."

248

#### SECTION 14.

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

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

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

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

270 if applicable; and the name and relationship of the person requesting the ballot if other  
271 than the elector.

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

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

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

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

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

303 (2) A properly executed registration card submitted under the provisions of  
304 subsection (b) of Code Section 21-2-219, if submitted within 180 days of a primary or  
305 election in which the registrant is entitled to vote, shall be considered to be an application

306 for an absentee ballot under this Code section, or for a special absentee ballot under Code  
307 Section 21-2-381.1, as appropriate.

308 ~~(3) All applications for an official absentee ballot that are distributed by a person, entity,~~  
309 ~~or organization shall list thereon all of the legally acceptable categories of absentee~~  
310 ~~electors contained in Code Section 21-2-380 and shall require the elector to select the~~  
311 ~~category which qualifies the elector to vote by absentee ballot, if applicable. Such~~  
312 ~~applications, if properly completed by the elector or other authorized person and returned~~  
313 ~~to the registrar or absentee ballot clerk, as appropriate, shall be processed by the registrar~~  
314 ~~or absentee ballot clerk and, if the elector is found to be qualified, an absentee ballot shall~~  
315 ~~be mailed or delivered in the office of the registrar or absentee ballot clerk to such elector~~  
316 Reserved.

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

### 328 **SECTION 15.**

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

331 "21-2-382.

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

340 (b) Any other provisions of this chapter to the contrary notwithstanding, in all counties of  
341 this state having a population of 550,000 or more ~~or having a population between 88,000~~

342 ~~and 90,000~~ according to the United States decennial census of 1990 or any future such  
 343 census, any branch of the county courthouse or courthouse annex established within any  
 344 such county shall be an additional registrar's or absentee ballot clerk's office or place of  
 345 registration for the purpose of receiving absentee ballots under Code Section 21-2-381 and  
 346 for the purpose of voting absentee ballots under Code Section 21-2-385."

347 **SECTION 16.**

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

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

357 **SECTION 17.**

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

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

369 **SECTION 18.**

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

373 "21-2-388.

374 When an absentee ballot which has been voted shall be returned to and received and  
 375 certified in accordance with subsection (a) of Code Section 21-2-386 by the board of

376 registrars or the absentee ballot clerk, it shall be deemed to have been voted then and there;  
 377 and no other ballot shall be issued to the same elector. If the board of registrars or absentee  
 378 ballot clerk rejects an absentee ballot, the elector shall be provided the opportunity to vote  
 379 in the primary, election, or runoff either by applying for a second absentee ballot prior to  
 380 the day before such primary, election, or runoff or by voting in person at the elector's  
 381 polling place on the day of the primary, election, or runoff. If an elector has requested to  
 382 vote by absentee ballot and has not received such absentee ballot, has such ballot in his or  
 383 her possession, or has returned such ballot but the registrars have not received such ballot,  
 384 such elector may have the absentee ballot canceled and vote in person on the day of the  
 385 primary, election, or runoff in one of the following ways:

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

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

#### 405 **SECTION 19.**

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

409 "(a) No person shall solicit votes in any manner or by any means or method, nor shall any  
 410 person distribute or display any campaign literature, newspaper, booklet, pamphlet, card,  
 411 sign, or any other written or printed matter of any kind while voting is taking place, nor

412 ~~shall any person conduct any exit poll or public opinion poll with voters on any primary~~  
 413 ~~or election day:~~

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

416 (2) Within any polling place; or

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

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

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

423 (2) Within any polling place; or

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

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

438 **SECTION 20.**

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

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

446 (2) If the registrars determine after the polls close, but not later than ~~two~~ three days  
 447 following the primary or election, that the person voting the provisional ballot timely

448 registered and was eligible and entitled to vote in the primary or election but voted in the  
 449 wrong precinct, then the board of registrars shall notify the election superintendent. The  
 450 superintendent shall count such person's votes which were cast for candidates in those  
 451 races for which the person was entitled to vote but shall not count the votes cast for  
 452 candidates in those races in which such person was not entitled to vote. The  
 453 superintendent shall order the proper election official at the tabulating center or precinct  
 454 to prepare an accurate duplicate ballot containing only those votes cast by such person  
 455 in those races in which such person was entitled to vote for processing at the tabulating  
 456 center or precinct, which shall be verified in the presence of a witness. Such duplicate  
 457 ballot shall be clearly labeled with the word 'Duplicate,' shall bear the designation of the  
 458 polling place, and shall be given the same serial number as the original ballot. The  
 459 original ballot shall be retained.

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

468 **SECTION 21.**

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

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

482 **SECTION 22.**

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

485 "(a) Any person who willfully:

486 (1) Inserts or permits to be inserted any fictitious name, false figure, false statement, or  
 487 other fraudulent entry on or in any registration card, electors list, voter's certificate,  
 488 affidavit, tally paper, general or duplicate return sheet, statement, certificate, oath,  
 489 voucher, account, ballot ~~or ballot card~~, or other record or document authorized or required  
 490 to be made, used, signed, returned, or preserved for any public purpose in connection  
 491 with any primary or election;

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

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

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

501 **SECTION 23.**

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

504 "21-2-568.

505 (a) Any person who knowingly:

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

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

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

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

515 shall be guilty of a felony.

516 (b) Any person who, while giving lawful assistance to another, attempts to influence the  
 517 vote of the elector he or she is assisting or marks a ballot ~~or ballot card~~ or registers a vote

518 in any other way than that requested by the voter he or she is assisting shall be guilty of a  
 519 felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than  
 520 one nor more than ten years or to pay a fine not to exceed \$100,000.00, or both."

521 **SECTION 24.**

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

524 "21-2-574.

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

529 **SECTION 25.**

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

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

534 **SECTION 26.**

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

537 "21-2-576.

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

540 **SECTION 27.**

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

543 "21-2-578.

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

548 **SECTION 28.**

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

551 "21-2-579.

552 Any voter at any primary or election who:

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

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

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

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

568 **SECTION 29.**

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

571 "21-2-587.

572 Any poll officer who willfully:

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

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

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

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

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

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

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

584 (8) Fails to return to the officials prescribed by this chapter, following any primary or  
 585 election, any keys of a voting machine, ballot box, general or duplicate return sheet, tally  
 586 paper, oaths of poll officers, affidavits of electors and others, record of assisted voters,  
 587 numbered list of voters, electors list, voter's certificate, spoiled and canceled ballots ~~or~~  
 588 ~~ballot cards~~, ballots ~~or ballot cards~~ deposited, written, or affixed in or upon a voting  
 589 machine, DRE memory cards, or any certificate or any other paper or record required to  
 590 be returned under this chapter  
 591 shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment  
 592 for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00,  
 593 or both."

594 **SECTION 30.**

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

597 "21-2-588.

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

601 **SECTION 31.**

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

604 "21-2-594.

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

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

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

614 shall be guilty of a felony."

615 **SECTION 32.**

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