

The Senate Ethics Committee offered 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 for
3 the conduct of elections in polling places by a board consisting of a chief manager and
4 assistant managers; to provide certain qualifications for poll officers; to provide that poll
5 officers may be compensated or volunteers; to provide for certain mandatory training of
6 election and registration officials; to provide that a candidate who submits an improper
7 nomination petition shall not be qualified; to provide for staggered terms for boards of
8 registrars; to provide that registration applications may be mailed to the board of registrars;
9 to change the time prior to a municipal primary or election when the electors list shall be
10 submitted to the municipality; to provide for the contents of the electors list; to provide for
11 the confidentiality of certain information; to provide for the procedure for voting a
12 challenged ballot; to provide that a valid signature on a petition shall be sufficient to remove
13 an elector from the inactive list regardless of the validity of the petition as a whole; to
14 provide that no election shall be held in a precinct in which there are no opposed candidates
15 unless there is a qualified write-in candidate; to provide that DRE units shall be demonstrated
16 on request and do not have to be on display during the month preceding a primary or
17 election; to delete the reasons for voting by absentee ballot; to repeal the requirement that
18 counties having a population of between 88,000 and 90,000 according to the 1990 census or
19 any future census shall designate any branch of the courthouse or courthouse annex as an
20 additional registrar's office; to require jurisdictions using DRE units for voting on election
21 day to use such units for in-person absentee voting; to provide that an absentee ballot may
22 be issued for immediate voting to a person who applies in person at the registrar's or absentee
23 ballot clerk's office when the ballots are ready; to revise the prohibitions concerning
24 campaigning and exit and public opinion polling in close proximity to a polling place on an
25 election day; to extend the period for verifying provisional ballots; to extend the deadline for
26 special elections to be placed on a state-wide general primary or general election ballot; to
27 provide an exception to the prohibition against prematurely counting votes for the counting
28 of absentee votes; to provide for related matters; to amend Chapter 10 of Title 31 of the

29 Official Code of Georgia Annotated, relating to vital records, so as to provide that lists of
 30 death certificates shall be submitted by the state registrar to the Secretary of State by the
 31 tenth day of each month; to repeal conflicting laws; and for other purposes.

32 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

33 **SECTION 1.**

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

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

39 **SECTION 2.**

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

42 "21-2-90.

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

57 **SECTION 3.**

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

60 "21-2-92.

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

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

80 **SECTION 4.**

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

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

85 **SECTION 5.**

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

89 "(a) All county and municipal election superintendents, chief registrars, and absentee ballot
 90 clerks or, in the case of a board of elections or a board of elections and registration, the
 91 designee of such board charged with the daily operations of such board shall become
 92 certified by completing a certification program approved by the Secretary of State by no
 93 later than December 31 of the year in which they are appointed. Such program may
 94 include instruction on, and may require the superintendent to demonstrate proficiency in,

95 the operation of the state's direct recording electronic voting equipment, the operation of
 96 the voting equipment used in such superintendent's jurisdiction, and in state and federal law
 97 and procedures related to elections. The local government employing the superintendent
 98 or designee shall cover the costs, if any, incurred by such superintendent's or designee's
 99 participation in the certification program. Such certification programs shall be offered by
 100 the Secretary of State on multiple occasions before December 31 of the year in which such
 101 superintendents or designees are appointed and shall not exceed 64 hours of classroom,
 102 online, and practical instruction as authorized and approved by the Secretary of State.

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

107 **SECTION 6.**

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

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

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

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

SECTION 7.

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

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

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

(2) The first new grand jury which convenes in each county in the year ~~1965, and each four years thereafter,~~ 2013 shall submit to the judge the list of names as provided in subsection (a) of this Code section. From this list, the judge shall appoint two registrars to serve two-year terms of office and until their respective successors are appointed and qualified and not more than three registrars to serve four-year terms of office and until

166 their respective successors are appointed and qualified. Thereafter, the first new grand
 167 jury which convenes in each county in each odd-numbered year shall submit to the judge
 168 a list of names equal to twice the number of registrars whose terms are to expire that year.
 169 From this list, the judge shall appoint successors to the registrars whose terms are
 170 expiring that year who shall then serve terms of office of four years and until their
 171 respective successors are selected and qualified.

172 (3) Such list of names shall be submitted to the judge, who shall appoint the registrars
 173 and designate the chief registrar, as needed, prior to June 30. No appointment for a full
 174 term shall be made prior to January 1 of the year in which the appointee is to take office.
 175 If no such grand jury is convened or, if convened but failed to recommend, the judge shall
 176 appoint the registrars without the necessity of any recommendation. In the event that a
 177 registrar holds over beyond the end of the registrar's term of office due to the failure to
 178 have a successor timely appointed and qualified, the successor shall be appointed to serve
 179 the remainder of the term of office and shall not receive a new four-year term of office."

180 **SECTION 8.**

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

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

190 **SECTION 9.**

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

193 "(e) The county board of registrars shall deliver to the chief registrar of the municipality,
 194 upon a basis mutually agreed upon between the county board of registrars and the
 195 governing authority of the municipality, a copy of the list of electors for the municipality
 196 for the primary or election. Such list shall be delivered ~~at least 14~~ not earlier than the fifth
 197 Monday prior to a primary or election and not later than 21 days prior to such primary or
 198 election for the purpose of permitting the chief registrar of the municipality to check the
 199 accuracy of the list. The municipal registrar shall, upon receipt of the county registration
 200 list, or as soon as practicable thereafter but in no event later than five days prior to such

201 primary or election, review such list and identify in writing to the county board of registrars
 202 any names on the electors list of persons who are not qualified to vote at such primary or
 203 election, stating the reason for disqualification. The county board of registrars shall
 204 challenge the persons identified in accordance with Code Section 21-2-228. In addition,
 205 the county board of registrars shall provide a list of inactive electors for the municipality.
 206 The municipal registrar shall certify such lists and file with the city clerk a copy showing
 207 the names of electors entitled to vote at such primary or election."

208 "(g) The official list of electors and the official list of inactive electors prepared and
 209 distributed to the poll officers of each precinct shall include only the elector's name,
 210 address, ZIP Code, date of birth, voter identification number, a designation of whether the
 211 elector registered for the first time in this state and is required to comply with Code
 212 Section 21-2-216, a designation of whether the elector registered for the first time in this
 213 state by mail and is required to comply with Code Sections 21-2-220 and 21-2-417,
 214 congressional district, state Senate district, state House district, county commission district,
 215 if any, county or independent board of education district, if any, and municipal governing
 216 authority district designations, if any, and such other voting districts, if any. The official
 217 list of electors and the official list of inactive electors prepared and distributed to the poll
 218 officers of each precinct may also include codes designating that an elector has voted by
 219 absentee ballot, has been challenged, or has been sent mail by the registrars which has been
 220 returned marked undeliverable. No person whose name does not appear on the official list
 221 of electors shall vote or be allowed to vote at any election, except as otherwise provided
 222 in this article. The county registrars shall ensure that the information required to notify poll
 223 officers that an elector registered to vote for the first time in this state by mail and must
 224 comply with subsection (c) of Code Section 21-2-220 and subsection (c) of Code Section
 225 21-2-417 is placed on each list of electors to be used at a polling place."

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SECTION 10.

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

229 "(b) Except as provided in Code Section 21-2-225.1, all data collected and maintained on
 230 electors whose names appear on the list of electors maintained by the Secretary of State
 231 pursuant to this article shall be available for public inspection with the exception of bank
 232 statements submitted pursuant to subsection (c) of Code Section 21-2-220 and
 233 subsection (c) of Code Section 21-2-417, the ~~date~~ month and day of birth, the social
 234 security numbers, and driver's license numbers of the electors, and the locations at which
 235 the electors applied to register to vote, which shall remain confidential and shall be used
 236 only for voter registration purposes; provided, however, that any and all information

237 relating to the dates of birth, social security numbers, and driver's license numbers of
 238 electors may be made available to other agencies of this state, agencies of other states and
 239 territories of the United States, and to agencies of the federal government if the agency is
 240 authorized to maintain such information and the information is used only to identify the
 241 elector on the receiving agency's data base and is not disseminated further and remains
 242 confidential. Information regarding an elector's year of birth shall be available for public
 243 inspection."

244 **SECTION 11.**

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

247 "(i) If the challenged elector appears at the polls to vote and it is not practical to conduct
 248 a hearing prior to the close of the polls or if the registrars begin a hearing and subsequently
 249 find that a decision on the challenge cannot be rendered within a reasonable time, the
 250 challenged elector shall be permitted to vote by casting a challenged ballot on the same
 251 type of ballot that is used by the county or municipality for mail-in absentee ballots. Such
 252 challenged ballot shall be sealed in double envelopes as provided in Code Section 21-2-384
 253 and, after having the word 'Challenged' and the elector's name written across the back of
 254 the elector's ballot outer envelope, the ballot shall be deposited by the person casting such
 255 ballot in a secure, sealed ballot box notwithstanding the fact that the polls may have closed
 256 prior to the time the registrars make such a determination, provided that the elector
 257 proceeds to vote immediately after such determination of the registrars. In such cases, if
 258 the challenge is based upon the grounds that the challenged elector is not qualified to
 259 remain on the list of electors, the registrars shall proceed to finish the hearing prior to the
 260 certification of the consolidated returns of the election by the election superintendent. If
 261 the challenge is based on other grounds, no further action shall be required by the
 262 registrars. The election superintendent shall not certify such consolidated returns until such
 263 hearing is complete and the registrars have rendered their decision on the challenge. If the
 264 registrars deny the challenge, the superintendent shall proceed to certify the consolidated
 265 returns. If the registrars uphold the challenge, the name of the challenged elector shall be
 266 removed from the list of electors and the ballot of the challenged elector shall be rejected
 267 and not counted and, if necessary, the returns shall be adjusted to remove any votes cast by
 268 such elector. The elector making the challenge and the challenged elector may appeal the
 269 decision of the registrars in the same manner as provided in subsection (e) of Code
 270 Section 21-2-229."

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SECTION 12.

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

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

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SECTION 13.

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

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

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SECTION 14.

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

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"21-2-291.

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

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SECTION 15.

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

"21-2-379.8.

- (a) The superintendent or his or her designee shall, upon request, make available for demonstration ~~place on public exhibition and demonstrate the use of the~~ direct recording electronic (DRE) units ~~throughout the county or municipality during the month preceding each primary and election.~~ The Secretary of State shall advise the superintendents on recommended methods of demonstrating such units so as to properly educate electors in the use thereof, and, at least during the initial year in which DRE equipment is used in a county or municipality, all superintendents shall offer a series of demonstrations and organized voter education initiatives to equip electors for using such equipment in voting.
- (b) At least ~~30~~ 45 days before a general primary or election or during the ten days before a special primary or election and at least 21 days before a municipal general primary or election or during the ten days before a municipal special primary or election, the superintendent shall place on public exhibition, in such public places and at such times as the superintendent shall deem most suitable for the information and instruction of the electors, a sample ballot to be used in such election. The sample ballot shall show the offices and questions to be voted upon, the names and arrangements of the political parties and bodies, and the names and arrangements of the candidates to be voted for. Such sample ballots shall be under the charge and care of a person who is, in the opinion of the superintendent, competent and qualified as an instructor concerning such ballots and voting procedures."

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SECTION 16.

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

"21-2-380.

- (a) As used in this article, the term 'absentee elector' means an elector of this state or a municipality thereof who casts a ballot in a primary, election, or runoff other than in person at the polls on the day of such primary, election, or runoff:
- (1) ~~Is required to be absent from his or her precinct during the time of the primary or election he or she desires to vote in;~~
 - (2) ~~Will perform any of the official acts or duties set forth in this chapter in connection with the primary or election he or she desires to vote in;~~

- 339 ~~(3) Because of physical disability or because of being required to give constant care to~~
 340 ~~someone who is physically disabled, will be unable to be present at the polls on the day~~
 341 ~~of such primary or election;~~
- 342 ~~(4) Because the election or primary falls upon a religious holiday observed by such~~
 343 ~~elector, will be unable to be present at the polls on the day of such primary or election;~~
- 344 ~~(5) Is required to remain on duty in his or her place of employment for the protection of~~
 345 ~~the health, life, or safety of the public during the entire time the polls are open when such~~
 346 ~~place of employment is within the precinct in which the voter resides; or~~
- 347 ~~(6) Is 75 years of age or older.~~
- 348 (b) An elector who ~~requests an~~ votes by absentee ballot by mail or who casts an absentee
 349 ballot in person at the registrar's office or absentee ballot clerk's office shall not be required
 350 to provide a reason in order to cast an absentee ballot in any primary, election, or ~~run-off~~
 351 ~~primary or election~~ runoff."

352 SECTION 17.

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

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

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

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

374 if applicable; and the name and relationship of the person requesting the ballot if other
375 than the elector.

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

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

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

386 (G) One timely and proper application for an absentee ballot for use in a primary or
387 election shall be sufficient to require the mailing of the absentee ballot for such primary
388 or election as well as for any runoffs resulting therefrom and for all primaries and
389 elections for federal offices and any runoffs therefrom, including presidential
390 preference primaries, held during the period beginning upon the receipt of such
391 absentee ballot application and extending through the second regularly scheduled
392 general election in which federal candidates are on the ballot occurring thereafter to an
393 eligible absentee elector who lives outside the county or municipality in which the
394 election is held and is also a member of the armed forces of the United States, a
395 member of the merchant marine of the United States, or a spouse or dependent of a
396 member of the armed forces or the merchant marine residing with or accompanying
397 said member or overseas citizen.

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

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

410 absentee ballot under this Code section, or for a special absentee ballot under Code
411 Section 21-2-381.1, as appropriate.

412 ~~(3) All applications for an official absentee ballot that are distributed by a person, entity,~~
413 ~~or organization shall list thereon all of the legally acceptable categories of absentee~~
414 ~~electors contained in Code Section 21-2-380 and shall require the elector to select the~~
415 ~~category which qualifies the elector to vote by absentee ballot, if applicable. Such~~
416 ~~applications, if properly completed by the elector or other authorized person and returned~~
417 ~~to the registrar or absentee ballot clerk, as appropriate, shall be processed by the registrar~~
418 ~~or absentee ballot clerk and, if the elector is found to be qualified, an absentee ballot shall~~
419 ~~be mailed or delivered in the office of the registrar or absentee ballot clerk to such elector~~
420 Reserved.

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

432 **SECTION 18.**

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

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

443

SECTION 19.

444

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

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

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SECTION 20.

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

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

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SECTION 21.

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

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"21-2-414.

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

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

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(2) Within any polling place; or

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

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

480 ~~(1) Within 150 feet of the outer edge of any building within which a polling place is~~

481 ~~established;~~

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

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

484 ~~(c) No person shall solicit votes in any manner or by any means or method, nor shall any~~

485 ~~person distribute any campaign literature, newspaper, booklet, pamphlet, card, sign, or any~~

486 ~~other written or printed matter of any kind, nor shall any person conduct any exit poll or~~

487 ~~public opinion poll with voters within a room under the control or supervision of the~~

488 ~~registrars or absentee ballot clerk in which absentee ballots are being cast on any day or~~

489 ~~within 150 feet of any elector waiting to cast an absentee ballot pursuant to subsection (b)~~

490 ~~of Code Section 21-2-380. No campaign literature, booklet, pamphlet, card, sign, or other~~

491 ~~written or printed matter shall be displayed in any building containing a room under the~~

492 ~~control or supervision of the registrars or absentee ballot clerk in which absentee ballots~~

493 ~~are cast during the period when absentee ballots are available for voting. These restrictions~~

494 ~~shall not apply to conduct occurring in private offices or areas which cannot be seen or~~

495 ~~heard by such electors.~~

496 ~~(d) No person shall solicit signatures for any petition within a room under the control or~~

497 ~~supervision of the registrars or absentee ballot clerk in which absentee ballots are being~~

498 ~~cast on any day.~~

499 ~~(d.1) (b)~~ Rooms under the control or supervision of the board of registrars or absentee

500 ballot clerk in which absentee ballots are being cast shall be considered polling places.

501 ~~(e) (c)~~ No person shall use a cellular telephone or other electronic communication device

502 once such person has been issued a ballot or, in the case of precincts using voting machines

503 or electronic recording voting systems, once the person has entered the voting machine or

504 voting enclosure or booth. This subsection shall not prohibit the use of cellular telephones

505 by poll officials.

506 ~~(f) (d)~~ No person whose name appears as a candidate on the ballot being voted upon at a

507 primary, election, special primary, or special election, except a judge of the probate court

508 serving as the election superintendent, shall physically enter any polling place other than

509 the polling place at which that person is authorized to cast his or her ballot for that primary,

510 election, special primary, or special election and, after casting his or her ballot, the

511 candidate shall not return to such polling place until after the poll has closed and voting has

512 ceased or other than to transact business with the board of registrars, so long as the person

513 does not violate any other provision of this Code section. Judges of the probate court

514 serving as election superintendents shall enter polling places only as necessary to fulfill

515 their duties as election superintendents and shall not engage in any practice prohibited by
 516 this Code section.
 517 ~~(g)~~ (e) This Code section shall not be construed to prohibit a poll officer from distributing
 518 materials, as required by law, which are necessary for the purpose of instructing electors
 519 or from distributing materials prepared by the Secretary of State which are designed solely
 520 for the purpose of encouraging voter participation in the election being conducted.
 521 ~~(h)~~ (f) Any person who violates this Code section shall be guilty of a misdemeanor."

522 **SECTION 22.**

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

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

530 (2) If the registrars determine after the polls close, but not later than ~~two~~ three days
 531 following the primary or election, that the person voting the provisional ballot timely
 532 registered and was eligible and entitled to vote in the primary or election but voted in the
 533 wrong precinct, then the board of registrars shall notify the election superintendent. The
 534 superintendent shall count such person's votes which were cast for candidates in those
 535 races for which the person was entitled to vote but shall not count the votes cast for
 536 candidates in those races in which such person was not entitled to vote. The
 537 superintendent shall order the proper election official at the tabulating center or precinct
 538 to prepare an accurate duplicate ballot containing only those votes cast by such person
 539 in those races in which such person was entitled to vote for processing at the tabulating
 540 center or precinct, which shall be verified in the presence of a witness. Such duplicate
 541 ballot shall be clearly labeled with the word 'Duplicate,' shall bear the designation of the
 542 polling place, and shall be given the same serial number as the original ballot. The
 543 original ballot shall be retained.

544 (3) If the registrars determine that the person casting the provisional ballot did not timely
 545 register to vote or was not eligible or entitled to vote in such primary or election or shall
 546 be unable to determine within ~~two~~ three days following such primary or election whether
 547 such person timely registered to vote and was eligible and entitled to vote in such primary
 548 or election, the registrars shall so notify the election superintendent and such ballot shall
 549 not be counted. The election superintendent shall mark or otherwise document that such

550 ballot was not counted and shall deliver and store such ballots with all other ballots and
 551 election materials as provided in Code Section 21-2-500."

552 **SECTION 23.**

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

555 "(b) At least 29 days shall intervene between the call of a special primary and the holding
 556 of same, and at least 29 days shall intervene between the call of a special election and the
 557 holding of same. The period during which candidates may qualify to run in a special
 558 primary or a special election shall remain open for a minimum of two and one-half days.
 559 Special elections which are to be held in conjunction with a state-wide general primary or
 560 state-wide general election shall be called at least ~~60~~ 90 days prior to the date of such
 561 state-wide general primary or state-wide general election; provided, however, that this
 562 requirement shall not apply to special elections held on the same date as such state-wide
 563 general primary or state-wide general election but conducted completely separate and apart
 564 from such state-wide general primary or state-wide general election using different ballots
 565 or voting equipment, facilities, poll workers, and paperwork."

566 **SECTION 24.**

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

569 "(a) Any person who willfully:

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

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

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

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

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SECTION 25.

586

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

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"21-2-568.

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(a) Any person who knowingly:

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

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

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

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

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shall be guilty of a felony.

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

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SECTION 26.

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

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"21-2-574.

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

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SECTION 27.

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

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

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SECTION 28.

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

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621

"21-2-576.

622

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

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SECTION 29.

625

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

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"21-2-578.

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

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SECTION 30.

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

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"21-2-579.

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Any voter at any primary or election who:

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

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

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

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(4) States falsely to any poll officer that because of his or her inability to read the English language or because of blindness, near-blindness, or other physical disability he or she cannot mark the ballot ~~or ballot card~~ or operate the voting machine without assistance

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shall be guilty of a misdemeanor."

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SECTION 31.

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

"21-2-587.

Any poll officer who willfully:

- (1) Makes a false return of the votes cast at any primary or election;
- (2) Deposits fraudulent ballots ~~or ballot cards~~ in the ballot box or certifies as correct a false return of ballots ~~or ballot cards~~;
- (3) Registers fraudulent votes upon any voting machine or certifies as correct a return of fraudulent votes cast upon any voting machine;
- (4) Makes any false entries in the electors list;
- (5) Destroys or alters any ballot, ~~ballot card~~, voter's certificate, or electors list;
- (6) Tampers with any voting machine, direct recording electronic (DRE) equipment, or tabulating computer or device;
- (7) Prepares or files any false voter's certificate not prepared by or for an elector actually voting at such primary or election; or
- (8) Fails to return to the officials prescribed by this chapter, following any primary or election, any keys of a voting machine, ballot box, general or duplicate return sheet, tally paper, oaths of poll officers, affidavits of electors and others, record of assisted voters, numbered list of voters, electors list, voter's certificate, spoiled and canceled ballots ~~or ballot cards~~, ballots ~~or ballot cards~~ deposited, written, or affixed in or upon a voting machine, DRE memory cards, or any certificate or any other paper or record required to be returned under this chapter

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

SECTION 32.

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

"21-2-588.

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

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SECTION 33.

686

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

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"21-2-594.

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

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

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

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shall be guilty of a felony."

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SECTION 34.

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

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

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SECTION 35.

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