

House Bill 899

By: Representatives Brockway of the 101<sup>st</sup>, Hamilton of the 23<sup>rd</sup>, Williamson of the 111<sup>th</sup>, Powell of the 29<sup>th</sup>, Morgan of the 39<sup>th</sup>, and others

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 provide for the dates of nonpartisan elections; to  
3 provide a minimum number of members for local boards of election; to provide for the form  
4 of petitions to qualify as a pauper; to provide for certification of write-in candidates; to  
5 provide that candidates in special elections may choose to designate their political affiliation  
6 on the ballot but may not change such affiliation after the close of qualifying; to provide for  
7 qualifications for registrars and deputy registrars; to provide for the manner of counting of  
8 certain absentee ballots; to provide for the close of voter registration prior to a special  
9 election or special primary; to provide for the maintenance of voter registration lists  
10 regarding deceased electors; to provide for the manner of storing certain election records and  
11 data; to provide for the time by which absentee ballots shall be available prior to a primary  
12 or election; to limit the use of certain electronic devices and photography devices in polling  
13 places; to provide that election superintendents shall furnish the Secretary of State copies of  
14 ballots used in elections; to provide for the timing of the call for special elections to be held  
15 in conjunction with the presidential preference primary; to provide for the manner of filling  
16 vacancies in the General Assembly; to provide for certain manner of use of provisional and  
17 challenged ballots; to provide for related matters; to repeal conflicting laws; and for other  
18 purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 style="text-align:center">**SECTION 1.**

21 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and  
22 elections generally, is amended by revising Code Section 21-2-9, relating to date of election  
23 for offices, as follows:

24 "21-2-9.

25 (a) The Governor, Lieutenant Governor, Secretary of State, Attorney General, State School  
26 Superintendent, Commissioner of Insurance, Commissioner of Agriculture, Commissioner

27 of Labor, members of Congress, ~~Justices of the Supreme Court, Judges of the Court of~~  
 28 ~~Appeals, judges of the superior courts,~~ district attorneys, members of the General  
 29 Assembly, and county officers not elected pursuant to Code Section 21-2-139 shall be  
 30 elected in the November election next preceding the expiration of the term of office.

31 (b) Justices of the Supreme Court, Judges of the Court of Appeals, judges of the superior  
 32 courts, and county judicial officers, offices of local school boards, and nonpartisan offices  
 33 elected pursuant to Code Section 21-2-139 shall be elected in the nonpartisan general  
 34 election next preceding the expiration of the term of office.

35 ~~(b)~~(c) All general municipal elections to fill municipal offices shall be held on the Tuesday  
 36 next following the first Monday in November in each odd-numbered year. Public notice  
 37 of such elections shall be published by the governing authority of the municipality in a  
 38 newspaper of general circulation in the municipality at least 30 days prior to the elections.  
 39 In addition, the municipality shall immediately transmit a copy of such notice to the  
 40 Secretary of State."

#### 41 SECTION 2.

42 Said chapter is further amended by revising Code Section 21-2-40, relating to General  
 43 Assembly authorization to create board of elections and board of elections and registration  
 44 in any county, as follows:

45 "21-2-40.

46 (a) The General Assembly may by local Act create a board of elections in any county of  
 47 this state and empower the board with the powers and duties of the election superintendent  
 48 relating to the conduct of primaries and elections. Such board shall consist of not fewer  
 49 than three members.

50 (b) The General Assembly may by local Act create a board of elections and registration  
 51 in any county of this state and empower the board with the powers and duties of the  
 52 election superintendent relating to the conduct of primaries and elections and with the  
 53 powers and duties of the board of registrars relating to the registration of voters and  
 54 absentee-balloting procedures. Such board shall consist of not fewer than three members."

#### 55 SECTION 3.

56 Said Act is further amended by revising subsections (a) and (b) of Code Section 21-2-45,  
 57 relating to authorization to create joint county-municipal boards of elections and boards of  
 58 elections and registration and authorization for county to conduct elections, as follows:

59 "(a) The General Assembly may by local Act create a joint county-municipal board of  
 60 elections in any county of this state for that county and any municipality located wholly or  
 61 partially within that county and empower the board with the powers and duties of the

62 election superintendent of that county and municipality with regard to the conduct of  
 63 primaries and elections. Such board shall consist of not fewer than three members.

64 (b) The General Assembly may by local Act create a joint county-municipal board of  
 65 elections and registration in any county of this state for that county and any municipality  
 66 located wholly or partially within that county and empower the board with the powers and  
 67 duties of the election superintendent of that county and municipality with regard to the  
 68 conduct of primaries and elections and empower the board with the powers and duties of  
 69 the registrars and board of registrars of that municipality and county with regard to the  
 70 registration of voters and absentee-balloting procedures. Such board shall consist of not  
 71 fewer than three members."

72 **SECTION 4.**

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

75 "21-2-90.

76 All elections and primaries shall be conducted in each polling place by a board consisting  
 77 of a chief manager, who shall be chairperson of such board, and two assistant managers  
 78 assisted by clerks. The managers of each polling place shall be appointed by the  
 79 superintendent ~~or, in the case of municipal elections, by the municipal governing authority.~~

80 If the political parties involved elect to do so, they may submit to the superintendent ~~or~~  
 81 ~~municipal governing authority~~, for consideration in making such appointment, a list of  
 82 qualified persons. When such lists are submitted to the appropriate office, the  
 83 superintendent ~~or municipal governing authority~~, insofar as practicable, shall make  
 84 appointments so that there shall be equal representation on such boards for the political  
 85 parties involved in such elections or primaries. The superintendent ~~or municipal governing~~  
 86 ~~authority~~ shall make each appointment by entering an order which shall remain of record  
 87 in the appropriate office and shall make such order available for public inspection upon  
 88 request. The order shall include the name and address of the appointee, his or her title, and  
 89 a designation of the precinct and primary or election in which he or she is to serve."

90 **SECTION 5.**

91 Said chapter is further amended by revising subsection (h) of Code Section 21-2-132, relating  
 92 to filing notice of candidacy, nomination petition, and affidavit; payment of qualifying fee;  
 93 pauper's affidavit and qualifying petition for exemption from qualifying fee; and military  
 94 service, as follows:

95 "(h) No candidate shall be authorized to file a pauper's affidavit in lieu of paying the  
 96 qualifying fee otherwise required by this Code section and Code Section 21-2-138 unless

97 such candidate has filed a qualifying petition which complies with the following  
98 requirements:

99 (1) A qualifying petition of a candidate seeking an office which is voted upon state wide  
100 shall be signed by a number of voters equal to one-fourth of 1 percent of the total number  
101 of registered voters eligible to vote in the last election for the filling of the office the  
102 candidate is seeking and the signers of such petition shall be registered and eligible to  
103 vote in the election at which such candidate seeks to be elected. A qualifying petition of  
104 a candidate for any other office shall be signed by a number of voters equal to 1 percent  
105 of the total number of registered voters eligible to vote in the last election for the filling  
106 of the office the candidate is seeking and the signers of such petition shall be registered  
107 and eligible to vote in the election at which such candidate seeks to be elected. However,  
108 in the case of a candidate seeking an office for which there has never been an election or  
109 seeking an office in a newly constituted constituency, the percentage figure shall be  
110 computed on the total number of registered voters in the constituency who would have  
111 been qualified to vote for such office had the election been held at the last general  
112 election and the signers of such petition shall be registered and eligible to vote in the  
113 election at which such candidate seeks to be elected;

114 (2) Each person signing a qualifying petition shall declare therein that he or she is a duly  
115 qualified and registered elector of the state entitled to vote in the next election for the  
116 filling of the office sought by the candidate supported by the petition and shall add to his  
117 or her signature his or her residence address, giving municipality, if any, and county, with  
118 street and number, if any. No person shall sign the same petition more than once. Each  
119 petition shall support the candidacy of only a single candidate. A signature shall be  
120 stricken from the petition when the signer so requests prior to the presentation of the  
121 petition to the appropriate officer for filing, but such a request shall be disregarded if  
122 made after such presentation. Each sheet shall bear on the bottom or back thereof the  
123 affidavit of the circulator of such sheet, which affidavit must be subscribed and sworn to  
124 by such circulator before a notary public and shall set forth:

125 (A) His or her residence address, giving municipality with street and number, if any;

126 (B) That each signer manually signed his or her own name with full knowledge of the  
127 contents of the qualifying petition;

128 (C) That each signature on such sheet was signed within 180 days of the last day on  
129 which such petition may be filed; and

130 (D) That, to the best of the affiant's knowledge and belief, the signers are registered  
131 electors of the state qualified to sign the petition, that their respective residences are  
132 correctly stated in the petition, and that they all reside in the county named in the  
133 affidavit;

134 (3) A qualifying petition shall be in the form and manner determined by the Secretary  
 135 of State and approved by the State Elections Board ~~on one or more sheets of uniform size~~  
 136 ~~and different sheets must be used by signers resident in different counties. The upper~~  
 137 ~~portion of each sheet, prior to being signed by any petitioner, shall bear the name and title~~  
 138 ~~of the officer with whom the petition will be filed, the name of the candidate to be~~  
 139 ~~supported by the petition, his or her profession, business, or occupation, if any, his or her~~  
 140 ~~place of residence with street and number, if any, the name of the office he or she is~~  
 141 ~~seeking, his or her political party or body affiliation, if any, and the name and date of the~~  
 142 ~~election in which the candidate is seeking election. If more than one sheet is used, they~~  
 143 ~~shall be bound together when offered for filing if they are intended to constitute one~~  
 144 ~~qualifying petition, and each sheet shall be numbered consecutively, beginning with~~  
 145 ~~number one, at the foot of each page. Each sheet shall bear on the bottom or back thereof~~  
 146 ~~the affidavit of the circulator of such sheet, which affidavit must be subscribed and sworn~~  
 147 ~~to by such circulator before a notary public and shall set forth:~~

148 (A) ~~His or her residence address, giving municipality with street and number, if any;~~  
 149 (B) ~~That each signer manually signed his or her own name with full knowledge of the~~  
 150 ~~contents of the qualifying petition;~~  
 151 (C) ~~That each signature on such sheet was signed within 180 days of the last day on~~  
 152 ~~which such petition may be filed; and~~  
 153 (D) ~~That, to the best of the affiant's knowledge and belief, the signers are registered~~  
 154 ~~electors of the state qualified to sign the petition, that their respective residences are~~  
 155 ~~correctly stated in the petition, and that they all reside in the county named in the~~  
 156 ~~affidavit;~~

157 (4) No qualifying petition shall be circulated prior to 180 days before the last day on  
 158 which such petition may be filed, and no signature shall be counted unless it was signed  
 159 within 180 days of the last day for filing the same; and

160 (5) A qualifying petition shall not be amended or supplemented after its presentation to  
 161 the appropriate officer for filing.

162 No notary public may sign the petition as an elector or serve as a circulator of any petition  
 163 which he or she notarized. Any and all sheets of a petition that have the circulator's  
 164 affidavit notarized by a notary public who also served as a circulator of one or more sheets  
 165 of the petition or who signed one of the sheets of the petition as an elector shall be  
 166 disqualified and rejected."

167

**SECTION 6.**

168 Said chapter is further amended by revising subsection (e) of Code Section 21-2-133, relating  
 169 to giving notice of intent of write-in candidacy, filing of affidavit, limitations on candidacy,  
 170 and certification of candidates, as follows:

171 "(e)(1) The Secretary of State or appropriate municipal official shall certify and transmit  
 172 to the election superintendent of each county affected at least ten days prior to the within  
 173 five days following the deadline for the submission by write-in candidates of the notice  
 174 and documentation required by this Code section to be a write-in candidate in a general  
 175 or special election the names of all persons who have filed notices of intention to be  
 176 write-in candidates with the Secretary of State or appropriate municipal official for such  
 177 general or special election.

178 (2) The county election superintendent shall certify within five days following the  
 179 deadline for the submission by write-in candidates for county offices of the notice and  
 180 documentation required by this Code section to be a write-in candidate in a general or  
 181 special election the names of all persons who have filed notices of intention to be write-in  
 182 candidates with the county election superintendent for county offices for such general or  
 183 special election.

184 (3) The municipal election superintendent shall certify within five days following the  
 185 deadline for the submission by write-in candidates for municipal offices of the notice and  
 186 documentation required by this Code section to be a write-in candidate in a general or  
 187 special election the names of all persons who have filed notices of intention to be write-in  
 188 candidates with the municipal election superintendent for municipal offices for such  
 189 general or special election."

190

**SECTION 7.**

191 Said chapter is further amended by revising subsection (a) of Code Section 21-2-214, relating  
 192 to qualifications of registrars and deputy registrars, prohibited political activities, oath of  
 193 office, privilege from arrest, and duties conducted in public, as follows:

194 "(a) Members of the board of registrars shall be electors of the state and county in which  
 195 they serve, and any deputy registrars shall be electors of the state. All registrars shall be  
 196 able to read, write, and speak the English language. Municipal registrars shall be registered  
 197 Georgia voters and shall be able to read, write, and speak the English language. Registrars  
 198 and deputy registrars shall have never been convicted of a felony or of any crime involving  
 199 fraud or moral turpitude unless such person's civil rights have been restored and at least ten  
 200 years have elapsed from the date of the completion of the sentence without a subsequent  
 201 conviction of another felony involving moral turpitude, and the appointing authority shall

202 be authorized to investigate the applicant's criminal history before making such  
203 appointment."

204 **SECTION 8.**

205 Said chapter is further amended by revising subsection (b) of Code Section 21-2-224, relating  
206 to registration deadlines, restrictions on voting in primaries, official list of electors, and  
207 voting procedure when portion of county changed from one county to another, as follows:

208 "(b) If any person whose name is not on the list of registered electors maintained by the  
209 Secretary of State under this article desires to vote at any special primary or special  
210 election, such person shall make application as provided in this article no later than either  
211 the close of business on the fifth day after the date of the call for the special primary or  
212 special election, excluding Saturdays, Sundays, and legal holidays of this state or the close  
213 of business on the fifth Monday prior to the date of the special primary or special election  
214 or, if such Monday is a legal holiday, by the close of business on the following business  
215 day, whichever is later; except that:

216 (1) If such special primary or special election is held in conjunction with a general  
217 primary, general election, or presidential preference primary, the registration deadline for  
218 such special primary or special election shall be the same as the registration deadline for  
219 the general primary, general election, or presidential preference primary in conjunction  
220 with which the special primary or special election is being conducted; or

221 (2) If such special primary or special election is not held in conjunction with a general  
222 primary, general election, or presidential preference primary but is held on one of the  
223 dates specified in Code Section 21-2-540 for the conduct of special elections to present  
224 a question to the voters or special primaries or elections to fill vacancies in elected county  
225 or municipal offices, the registration deadline for such a special primary or election shall  
226 be at the close of business on the fifth Monday prior to the date of the special primary or  
227 election or, if such Monday is a legal holiday, by the close of business on the following  
228 business day."

229 **SECTION 9.**

230 Said chapter is further amended by revising subsection (i) of Code Section 21-2-230, relating  
231 to challenge of persons on list of electors by other electors, procedure, hearing, and right of  
232 appeal, as follows:

233 "(i) If the challenged elector appears at the polls to vote and it is not practical to conduct  
234 a hearing prior to the close of the polls or if the registrars begin a hearing and subsequently  
235 find that a decision on the challenge cannot be rendered within a reasonable time, the  
236 challenged elector shall be permitted to vote by casting a challenged ballot on the same

237 type of ballot that is used by the county or municipality for ~~mail-in absentee~~ provisional  
 238 ballots. Such challenged ballot shall be sealed in double envelopes as provided in  
 239 subsection (a) of Code Section 21-2-384 21-2-419 and, after having the word 'Challenged,'  
 240 ~~and~~ the elector's name, and the alleged cause of the challenge written across the back of the  
 241 outer envelope, the ballot shall be deposited by the person casting such ballot in a secure,  
 242 sealed ballot box notwithstanding the fact that the polls may have closed prior to the time  
 243 the registrars make such a determination, provided that the elector proceeds to vote  
 244 immediately after such determination of the registrars. In such cases, if the challenge is  
 245 based upon the grounds that the challenged elector is not qualified to remain on the list of  
 246 electors, the registrars shall proceed to finish the hearing prior to the certification of the  
 247 consolidated returns of the election by the election superintendent. If the challenge is based  
 248 on other grounds, no further action shall be required by the registrars. The election  
 249 superintendent shall not certify such consolidated returns until such hearing is complete  
 250 and the registrars have rendered their decision on the challenge. If the registrars deny the  
 251 challenge, the superintendent shall proceed to certify the consolidated returns. If the  
 252 registrars uphold the challenge, the name of the challenged elector shall be removed from  
 253 the list of electors and the ballot of the challenged elector shall be rejected and not counted  
 254 and, if necessary, the returns shall be adjusted to remove any votes cast by such elector.  
 255 The elector making the challenge and the challenged elector may appeal the decision of the  
 256 registrars in the same manner as provided in subsection (e) of Code Section 21-2-229."

257 **SECTION 10.**

258 Said chapter is further amended by revising Code Section 21-2-231, relating to lists of  
 259 persons convicted of felonies, persons identified as noncitizens, persons declared mentally  
 260 incompetent, and deceased persons provided to Secretary of State; removal of names from  
 261 list of electors; timing; and list of inactive voters provided to Council of Superior Court  
 262 Clerks, by adding a new subsection to read as follows:

263 "(e.1) County registrars may obtain information about persons who died from obituaries  
 264 published by local newspapers, death certificates, verifiable knowledge of the death, and  
 265 information provided in writing and signed by a family member or members of the  
 266 deceased person. County registrars shall determine if such deceased person's name appears  
 267 on the list of electors and, if so, shall remove such name from the list of electors and shall  
 268 send by first class mail to the mailing address shown on the elector's voter registration  
 269 records a notice of such action and the reason therefor."

270

**SECTION 11.**

271 Said chapter is further amended by revising subsections (e), (f), and (g) of Code  
 272 Section 21-2-379.11, relating to procedure for tabulation of votes by DRE machines, as  
 273 follows:

274 "(e) The manager shall collect and retain the zero tape and the results tape for each DRE  
 275 unit and place such tapes with the memory card for each unit, and ~~enclose~~ all such items  
 276 for all of the DRE units used in the precinct ~~in one envelope which shall be sealed in an~~  
 277 envelope or container and initialed or signed by the manager so that it cannot be opened  
 278 without breaking the seal.

279 (f) The manager and one poll worker shall then deliver the envelope or container to the  
 280 tabulating center for the county or municipality or to such other place designated by the  
 281 superintendent and shall receive a receipt therefor. The copies of the recap forms, unused  
 282 ballots, records, and other materials shall be returned to the designated location and  
 283 retained as provided by law.

284 (g) Upon receipt of the sealed envelope or container containing the zero tapes, results  
 285 tapes, and memory cards, the election superintendent shall verify the initials or signatures  
 286 on the envelope. Once verified, the superintendent shall break the seal of the envelope or  
 287 container and remove its contents. The superintendent shall then download the results  
 288 stored on the memory card from each DRE unit into the election management system  
 289 located at the central tabulation point of the county in order to obtain election results for  
 290 certification."

291

**SECTION 12.**

292 Said chapter is further amended by revising subsection (a) of Code Section 21-2-384, relating  
 293 to preparation and delivery of supplies, mailing of ballots, oath of absentee electors and  
 294 persons assisting absentee electors, master list of ballots sent, challenges, and electronic  
 295 transmission of ballots, as follows:

296 "(a)(1) The superintendent shall, ~~at least 45 days prior to any general primary or general~~  
 297 ~~election other than a municipal general primary or general election, as soon as possible~~  
 298 ~~prior to a runoff, and at least 21 days prior to any municipal general primary or general~~  
 299 ~~election~~ in consultation with the board of registrars or absentee ballot clerk, prepare,  
 300 obtain, and deliver before the date specified in paragraph (2) of this subsection an  
 301 adequate supply of official absentee ballots to the board of registrars or absentee ballot  
 302 clerk for use in the primary or election or as soon as possible prior to a runoff. Envelopes  
 303 and other supplies as required by this article may be ordered by the superintendent, the  
 304 board of registrars, or the absentee ballot clerk for use in the primary or election.

305 (2) The board of registrars or absentee ballot clerk shall, ~~within two days after the receipt~~  
306 ~~of such ballots and supplies,~~ mail or issue official absentee ballots to all eligible  
307 applicants not more than 49 days but not less than 45 days prior to any presidential  
308 preference primary, general primary other than a municipal general primary, general  
309 election other than a municipal general election, or special primary or special election in  
310 which there is a candidate for a federal office on the ballot; 22 days prior to any  
311 municipal general primary or municipal general election; and as soon as possible prior  
312 to any runoff. In the case of all other special primaries or special elections, the board of  
313 registrars or absentee ballot clerk shall mail or issue official absentee ballots to all eligible  
314 applicants within three days after the receipt of such ballots and supplies, but no earlier  
315 than 22 days prior to the election; provided, however, that should any elector of the  
316 jurisdiction be permitted to vote by absentee ballot beginning 49 days prior to a primary  
317 or election, all eligible applicants of such jurisdiction shall be entitled to vote by absentee  
318 ballot beginning 49 days prior to such primary or election. As additional applicants are  
319 determined to be eligible, the board or clerk shall mail or issue official absentee ballots  
320 to such additional applicants immediately upon determining their eligibility; provided,  
321 however, that no absentee ballot shall be mailed by the registrars or absentee ballot clerk  
322 on the day prior to a primary or election and provided, further, that no absentee ballot  
323 shall be issued on the day prior to a primary or election. The board of registrars shall, at  
324 ~~least 45 days prior to any general primary, or general election other than a municipal~~  
325 ~~general primary or general election, as soon as possible prior to a runoff, and at least 21~~  
326 ~~days prior to any municipal general primary or general election, mail or within the same~~  
327 time periods specified in this subsection, electronically transmit official absentee ballots  
328 to all electors who have requested to receive their official absentee ballot electronically  
329 and are entitled to vote by such absentee ballot under the federal Uniformed and Overseas  
330 Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended.

331 (3) The date a ballot is voted in the registrar's or absentee ballot clerk's office or the date  
332 a ballot is mailed or issued to an elector and the date it is returned shall be entered on the  
333 application record therefor.

334 (4) The delivery of an absentee ballot to a person confined in a hospital may be made by  
335 the registrar or clerk on the day of a primary or election or during a five-day period  
336 immediately preceding the day of such primary or election.

337 (5) In the event an absentee ballot which has been mailed by the board of registrars or  
338 absentee ballot clerk is not received by the applicant, the applicant may notify the board  
339 of registrars or absentee ballot clerk and sign an affidavit stating that the absentee ballot  
340 has not been received. The board of registrars or absentee ballot clerk shall then issue a  
341 second absentee ballot to the applicant and cancel the original ballot issued. The affidavit

342 shall be attached to the original application. A second application for an absentee ballot  
 343 shall not be required."

344 **SECTION 13.**

345 Said chapter is further amended by revising subsection (e) of Code Section 21-2-386, relating  
 346 to safekeeping, certification, and validation of absentee ballots; rejection of ballot; delivery  
 347 of ballots to manager; duties of managers; precinct returns; and notification of challenged  
 348 elector, as follows:

349 "(e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall  
 350 ~~open the envelopes and~~ write 'Challenged,' the elector's name, and the alleged cause of  
 351 challenge on the back of the ballot, ~~without disclosing the markings on the face thereof~~  
 352 outer envelope, and shall deposit the ballot in ~~the~~ a secure, sealed ballot box; and it shall  
 353 be counted as other challenged ballots are counted. Where direct recording electronic  
 354 voting systems are used for absentee balloting and a challenge to an elector's right to vote  
 355 is made prior to the time that the elector votes, the elector shall vote on a paper or optical  
 356 scanning ballot and such ballot shall be handled as provided in this subsection. The board  
 357 of registrars or absentee ballot clerk shall promptly notify the elector of such challenge."

358 **SECTION 14.**

359 Said chapter is further amended by revising Code Section 21-2-411, relating to return of  
 360 checked list of electors and voter's certificates to superintendent and disposition of list and  
 361 certificates by registrars, as follows:

362 "21-2-411.

363 The chief manager in each precinct shall return a checked list of electors, reflecting those  
 364 who voted, and the voter's certificates to the superintendent, to be deposited with the  
 365 registrars. The board of registrars shall keep such voter's certificates for at least 24 months  
 366 and such electors lists for at least five years, ~~and the same shall be available for public~~  
 367 inspection."

368 **SECTION 15.**

369 Said chapter is further amended by revising subsection (e) of Code Section 21-2-413, relating  
 370 to conduct of voters, campaigners, and others at polling places generally, as follows:

371 "(e) No elector person shall use photographic or other electronic monitoring or recording  
 372 devices, cameras, or cellular telephones while such elector person is ~~within the enclosed~~  
 373 space in a polling place while voting is taking place; provided, however, that a poll  
 374 manager, in his or her discretion, may allow the use of photographic devices in the polling  
 375 place under such conditions and limitations as the election superintendent finds

376 appropriate, and provided, further, that no photography shall be allowed of a ballot or the  
 377 face of a voting machine or DRE unit while an elector is voting such ballot or machine or  
 378 DRE unit nor an electors list, electronic electors list, or the use of an electors list or  
 379 electronic electors list. This subsection shall not prohibit the use of photographic or other  
 380 electronic monitoring or recording devices, cameras, or cellular telephones by poll officials  
 381 for official purposes."

382 **SECTION 16.**

383 Said chapter is further amended by revising subsection (b) of Code Section 21-2-433, relating  
 384 to admission of electors to enclosed space, detachment of ballots from stubs and distribution  
 385 of ballots to electors, and return of canceled ballots to superintendent, as follows:

386 "(b) As soon as an elector has been admitted within the enclosed space, the poll officer  
 387 having charge of the ballots in precincts in which ballots are used shall detach a ballot from  
 388 the stub and give it to the elector, first folding it so that the words and figures printed on  
 389 the face shall not be visible, and no ballots shall be deposited in the ballot box unless  
 390 folded in the same manner. If an elector's right to vote has been challenged for cause under  
 391 Code Section 21-2-230, ~~the poll officer shall write the word 'Challenged' and the alleged~~  
 392 ~~cause of challenge on the back of the ballot~~ elector shall be entitled to vote a challenged  
 393 ballot. Not more than one ballot shall be detached from its stub in any book of ballots at  
 394 any one time. Not more than one ballot shall be given to an elector; but, if an elector  
 395 inadvertently spoils a ballot, such elector may obtain another upon returning the spoiled  
 396 one. The ballots thus returned shall be immediately canceled and at the close of the polls  
 397 shall be enclosed in an envelope, which shall be sealed and returned to the superintendent."

398 **SECTION 17.**

399 Said chapter is further amended by revising subsection (d) of Code Section 21-2-435, relating  
 400 to procedure as to marking and depositing of ballots, as follows:

401 "(d) Before leaving the voting compartment, the elector shall fold his or her ballot, without  
 402 displaying the markings thereon, in the same way it was folded when received by him or  
 403 her; and he or she shall then leave the compartment and exhibit the number strip of the  
 404 ballot to a poll officer who shall ascertain by an inspection of the number appearing thereon  
 405 whether the ballot so exhibited to him or her is the same ballot which the elector received  
 406 before entering the voting compartment. If it is the same, the poll officer shall direct the  
 407 elector, without unfolding the ballot, to remove the perforated portion containing the  
 408 number, and the elector shall immediately deposit the ballot in the ballot box. The number  
 409 strip shall be deposited in the stub box provided for such purpose and the number strips  
 410 shall be retained with the ballots and other stubs. ~~If the ballot is marked 'Challenged,' the~~

411 ~~numbered perforated portion shall not be removed and the ballot shall be deposited with~~  
 412 ~~it attached.~~ Any ballot, other than one marked 'Challenged,' which has been challenged for  
 413 cause under Code Section 21-2-230, deposited in a ballot box at any primary or election  
 414 without having such number removed shall be void and shall not be counted."

415 **SECTION 18.**

416 Said chapter is further amended by revising Code Section 21-2-496, relating to preparation  
 417 and filing by superintendent of four copies of consolidated return of primary and electronic  
 418 filing, by adding a new subsection to read as follows:

419 "(c) Each county and municipal superintendent shall, upon certification, furnish to the  
 420 Secretary of State a final copy of each ballot used for such primary."

421 **SECTION 19.**

422 Said chapter is further amended by revising Code Section 21-2-497, relating to preparation  
 423 and filing by superintendent of four copies of consolidated return of elections, as follows:

424 "21-2-497.

425 (a) Each county and municipal superintendent shall prepare four copies of the consolidated  
 426 return of the election to be certified by the superintendent on forms furnished by the  
 427 Secretary of State, such consolidated returns to be filed immediately upon certification as  
 428 follows:

429 (1) One copy to be posted at the county courthouse or, in the case of a municipal  
 430 election, at the city hall for the information of the public;

431 (2) One copy to be filed and recorded as a permanent record in the minutes of the  
 432 superintendent's office;

433 (3) One copy to be sealed and filed with the clerk of the superior court, in the case of a  
 434 county election, or with the city clerk, in the case of a municipal election, as required by  
 435 Code Section 21-2-500; and

436 (4) One copy to be returned immediately to the Secretary of State unless required as  
 437 follows:

438 (A) In the case of election of federal and state officers, a separate return showing totals  
 439 of the votes cast for each of such officers respectively shall be forwarded by the  
 440 superintendent to the Secretary of State on forms furnished by the Secretary of State;

441 (B) In the case of referendum elections provided for by an Act of the General  
 442 Assembly, the returns shall immediately be certified by the authority holding such  
 443 election to the Secretary of State, along with the precinct returns and numbered list of  
 444 voters for each precinct. In addition thereto, the official citation of the Act involved

445 and the purpose of such election shall be sent to the Secretary of State at the same time.  
 446 The Secretary of State shall maintain a permanent record of such certifications;  
 447 (C) In the case of elections on constitutional amendments, the returns shall be certified  
 448 immediately to the Secretary of State. Upon receiving the certified returns from the  
 449 various superintendents, the Secretary of State shall immediately proceed to canvass  
 450 and tabulate the votes cast on such amendments and certify the results to the Governor;  
 451 and  
 452 (D) In the case of election for presidential electors, a separate return shall be prepared  
 453 by each superintendent and certified immediately to the Secretary of State.  
 454 (b) Each county and municipal superintendent shall, upon certification, furnish to the  
 455 Secretary of State a final copy of each ballot used for such election."

456 **SECTION 20.**

457 Said chapter is further amended by revising Code Section 21-2-499, relating to duty of  
 458 Secretary of State as to tabulation, computation, and canvassing of votes for state and federal  
 459 officers and certification of presidential electors by Governor, as follows:

460 "21-2-499.

461 (a) Upon receiving the certified returns of any election from the various superintendents,  
 462 the Secretary of State shall immediately proceed to tabulate, compute, and canvass the  
 463 votes cast for all candidates described in subparagraph ~~(A) of paragraph (4)~~ (a)(4)(A) of  
 464 Code Section 21-2-497 and upon all questions voted for by the electors of more than one  
 465 county and shall thereupon certify and file in his or her office the tabulation thereof. In the  
 466 event an error is found in the certified returns presented to the Secretary of State or in the  
 467 tabulation, computation, or canvassing of votes as described in this Code section, the  
 468 Secretary of State shall notify the county submitting the incorrect returns and direct the  
 469 county to correct and recertify such returns. Upon receipt by the Secretary of State of the  
 470 corrected certified returns of the county, the Secretary of State shall issue a new  
 471 certification of the results and shall file the same in his or her office.

472 (b) The Secretary of State shall also, upon receiving the certified returns for presidential  
 473 electors, proceed to tabulate, compute, and canvass the votes cast for each slate of  
 474 presidential electors and shall immediately lay them before the Governor. Not later than  
 475 5:00 P.M. on the fourteenth day following the date on which such election was conducted,  
 476 the Secretary of State shall certify the votes cast for all candidates described in  
 477 subparagraph ~~(A) of paragraph (4)~~ (a)(4)(A) of Code Section 21-2-497 and upon all  
 478 questions voted for by the electors of more than one county and shall no later than that  
 479 same time lay the returns for presidential electors before the Governor. The Governor shall  
 480 enumerate and ascertain the number of votes for each person so voted and shall certify the

481 slates of presidential electors receiving the highest number of votes. The Governor shall  
 482 certify the slates of presidential electors no later than 5:00 P.M. on the fifteenth day  
 483 following the date on which such election was conducted. Notwithstanding the deadlines  
 484 specified in this Code section, such times may be altered for just cause by an order of a  
 485 judge of superior court of this state.

486 (c) The Secretary of State shall not count, tabulate, or publish the names of any write-in  
 487 candidates for whom the notice of intention of candidacy has not been provided in  
 488 compliance with Code Section 21-2-133."

489 **SECTION 21.**

490 Said chapter is further amended by revising subsections (b) and (e) of Code  
 491 Section 21-2-540, relating to conduct of special elections generally, as follows:

492 "(b) At least 29 days shall intervene between the call of a special primary and the holding  
 493 of same, and at least 29 days shall intervene between the call of a special election and the  
 494 holding of same. The period during which candidates may qualify to run in a special  
 495 primary or a special election shall remain open for a minimum of two and one-half days.  
 496 Special elections which are to be held in conjunction with the presidential preference  
 497 primary, a state-wide general primary, or state-wide general election shall be called at least  
 498 90 days prior to the date of such presidential preference primary, state-wide general  
 499 primary, or state-wide general election; provided, however, that this requirement shall not  
 500 apply to special elections held on the same date as such presidential preference primary,  
 501 state-wide general primary, or state-wide general election but conducted completely  
 502 separate and apart from such state-wide general primary or state-wide general election  
 503 using different ballots or voting equipment, facilities, poll workers, and paperwork."

504 "(e) Candidates in special elections for partisan offices shall be listed alphabetically on the  
 505 ballot ~~according to~~ and may choose to designate on the ballot their party affiliation. The  
 506 party affiliation selected by a candidate shall not be changed following the close of  
 507 qualifying."

508 **SECTION 22.**

509 Said chapter is further amended by revising Code Section 21-2-544, relating to special  
 510 election for General Assembly vacancy, as follows:

511 "21-2-544.

512 Whenever a vacancy shall occur or exist in either house of the General Assembly, ~~during~~  
 513 ~~a session of the General Assembly or whenever such vacancy shall occur or exist at a time~~  
 514 ~~when the members of the General Assembly shall be required to meet, at any time previous~~  
 515 ~~to the next November election, the Governor shall issue, within ten days after the~~

516 ~~occurrence of such vacancy, or after the calling of an extraordinary session of the General~~  
517 ~~Assembly during the existence of such vacancy, a writ of election to the Secretary of State~~  
518 ~~for a special election to fill such vacancy, which election shall be held on the date named~~  
519 ~~in the writ, which shall not be less than 30 nor more than 60 days after its issuance. such~~  
520 vacancy shall be filled as follows:

521 (1) If such vacancy shall occur during a session of the General Assembly, the Governor  
522 shall issue, within ten days after the occurrence of such vacancy, a writ of election to the  
523 Secretary of State for a special election to fill such vacancy which shall be held on the  
524 date named in the writ, which shall not be fewer than 30 nor more than 60 days after its  
525 issuance;

526 (2) Except as provided in paragraph (4) of this Code section, if such vacancy shall occur  
527 after the conclusion of the regular session which is held during the first year of the term  
528 of office of members of the General Assembly, but more than 60 days prior to the  
529 Tuesday following the first Monday in November of the first year of the term of office  
530 of members of the General Assembly, the Governor may issue at any time but no later  
531 than 60 days prior to the Tuesday following the first Monday in November of the first  
532 year of the term of office of members of the General Assembly a writ of election to the  
533 Secretary of State for a special election to fill such vacancy which shall be held not fewer  
534 than 30 days after its issuance nor later than 60 days prior to the Tuesday following the  
535 first Monday in November of the first year of the term of office of members of the  
536 General Assembly;

537 (3) If such vacancy shall occur after the conclusion of the regular session of the General  
538 Assembly held during the first year of the term of office of members of the General  
539 Assembly during the period beginning 60 days prior to the Tuesday following the first  
540 Monday in November of such year and ending on the day prior to the beginning of the  
541 regular session of the General Assembly held during the second year of the term of office  
542 of members of the General Assembly, the Governor shall issue, within ten days after the  
543 occurrence of such vacancy, a writ of election to the Secretary of State for a special  
544 election to fill such vacancy which shall be held on the date named in the writ, which  
545 shall not be fewer than 30 nor more than 60 days after its issuance;

546 (4) If such vacancy shall occur following the election of a member of the General  
547 Assembly but prior to such member taking office, such vacancy shall be filled in  
548 accordance with Code Section 21-2-504, but such election shall be called within ten days  
549 of such vacancy and shall be held not fewer than 30 nor more than 60 days following the  
550 date of such call;

551 (5) If such vacancy shall occur following the conclusion of the regular session of the  
552 General Assembly during the second year of the term of office of members of the General

553 Assembly, the issuance of a writ of election to fill such vacancy shall be in the discretion  
 554 of the Governor except as otherwise provided in paragraph (6) of this Code section and  
 555 if the Governor chooses to issue such writ of election to fill such vacancy, such election  
 556 shall be held on the date named in the writ, which shall not be fewer than 30 nor more  
 557 than 60 days after its issuance; or

558 (6)(A) If such vacancy shall exist at a time when the members of the General  
 559 Assembly shall be required to meet in special session, the Governor shall issue, within  
 560 two days after the calling of an extraordinary session of the General Assembly during  
 561 the existence of such vacancy, a writ of election to the Secretary of State for a special  
 562 election to fill such vacancy which shall be held on the date named in the writ, which  
 563 shall not be fewer than 30 nor more than 60 days after its issuance; or

564 (B) If such vacancy shall occur after the issuance by the Governor of a call for an  
 565 extraordinary session of the General Assembly, but prior to the conclusion of such  
 566 extraordinary session, the Governor shall issue, within five days after the occurrence  
 567 of such vacancy, a writ of election to the Secretary of State for a special election to fill  
 568 such vacancy which shall be held on the date named in the writ, which shall not be  
 569 fewer than 30 nor more than 60 days after its issuance.

570 Upon receiving the writ of election from the Governor, the Secretary of State shall then  
 571 transmit the writ of election to the superintendent of each county involved and shall publish  
 572 the call of the election. ~~In all other cases any such special election to fill any such vacancy~~  
 573 ~~shall be held if the Governor issues his or her writ of election therefor. In such cases the~~  
 574 ~~writ of election shall be issued to the Secretary of State who shall transmit the writ of~~  
 575 ~~election to the superintendent of each county involved and shall publish the call of the~~  
 576 ~~election."~~

577 **SECTION 23.**

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