

The House Committee on Governmental Affairs offers the following substitute to HB 899:

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, if the disqualification of a candidate is the result of an error or negligence and
6 not the result of any action of the candidate and such error or negligence is verified in writing
7 by the Secretary of State, the qualifying fee paid by the candidate may be refunded to the
8 candidate; to provide that candidates in special elections may choose to designate their
9 political affiliation on the ballot but may not change such affiliation after the close of
10 qualifying; to provide for qualifications for registrars and deputy registrars; to provide for
11 the manner of counting of certain absentee ballots; to provide for the close of voter
12 registration prior to a special election or special primary; to provide for the maintenance of
13 voter registration lists regarding deceased electors; to provide for the manner of storing
14 certain election records and data; to provide for the time by which absentee ballots shall be
15 available prior to a primary or election; to limit the use of certain electronic devices and
16 photography devices in polling places; to provide that election superintendents shall furnish
17 the Secretary of State copies of ballots used in elections; to provide for the timing of the call
18 for special elections to be held in conjunction with the presidential preference primary; to
19 provide for the manner of filling vacancies in the General Assembly; to provide for certain
20 manner of use of provisional and challenged ballots; to provide for related matters; to repeal
21 conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 **SECTION 1.**

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

H. B. 899 (SUB)

27 "21-2-9.

28 (a) The Governor, Lieutenant Governor, Secretary of State, Attorney General, State School
29 Superintendent, Commissioner of Insurance, Commissioner of Agriculture, Commissioner
30 of Labor, members of Congress, ~~Justices of the Supreme Court, Judges of the Court of~~
31 ~~Appeals, judges of the superior courts,~~ district attorneys, members of the General
32 Assembly, and county officers not elected pursuant to Code Section 21-2-139 shall be
33 elected in the November election next preceding the expiration of the term of office.

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

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

44 **SECTION 2.**

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

48 "21-2-40.

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

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

58 **SECTION 3.**

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

62 "(a) The General Assembly may by local Act create a joint county-municipal board of
 63 elections in any county of this state for that county and any municipality located wholly or
 64 partially within that county and empower the board with the powers and duties of the
 65 election superintendent of that county and municipality with regard to the conduct of
 66 primaries and elections. Such board shall consist of not fewer than three members.

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

75 SECTION 4.

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

78 "21-2-90.

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

93 SECTION 5.

94 Said chapter is further amended by revising subsection (h) of Code Section 21-2-132, relating
 95 to filing notice of candidacy, nomination petition, and affidavit; payment of qualifying fee;

96 pauper's affidavit and qualifying petition for exemption from qualifying fee; and military
 97 service, as follows:

98 "(h) No candidate shall be authorized to file a pauper's affidavit in lieu of paying the
 99 qualifying fee otherwise required by this Code section and Code Section 21-2-138 unless
 100 such candidate has filed a qualifying petition which complies with the following
 101 requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

170

SECTION 6.

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

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

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

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

193

SECTION 7.

194 Said chapter is further amended by revising subsection (e) of Code Section 21-2-134, relating
 195 to withdrawal, death, or disqualification of candidate for office and nomination certificate,
 196 as follows:

197 "(e) The qualifying fee shall be returned to the candidate in the event such candidate
 198 withdraws, dies, or is disqualified prior to the close of the qualifying period; however, after
 199 the close of the qualifying period, the qualifying fee shall not be returned to the candidate
 200 for any reason including withdrawal, death, or disqualification; provided, however, that,
 201 if such disqualification is the result of an error or negligence of the officer with whom such
 202 candidate qualified and not the result of any action of the candidate and such error or
 203 negligence is verified in writing by the Secretary of State, such fee may be refunded to the
 204 candidate."

205 **SECTION 8.**

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

209 "(a) Members of the board of registrars shall be electors of the state and county in which
 210 they serve, and any deputy registrars shall be electors of the state. All registrars shall be
 211 able to read, write, and speak the English language. Municipal registrars shall be registered
 212 Georgia voters and shall be able to read, write, and speak the English language. Registrars
 213 and deputy registrars shall have never been convicted of a felony or of any crime involving
 214 fraud or moral turpitude unless such person's civil rights have been restored and at least ten
 215 years have elapsed from the date of the completion of the sentence without a subsequent
 216 conviction of another felony involving moral turpitude, and the appointing authority shall
 217 be authorized to investigate the applicant's criminal history before making such
 218 appointment."

219 **SECTION 9.**

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

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

231 (1) If such special primary or special election is held in conjunction with a general
 232 primary, general election, or presidential preference primary, the registration deadline for
 233 such special primary or special election shall be the same as the registration deadline for
 234 the general primary, general election, or presidential preference primary in conjunction
 235 with which the special primary or special election is being conducted; or

236 (2) If such special primary or special election is not held in conjunction with a general
 237 primary, general election, or presidential preference primary but is held on one of the
 238 dates specified in Code Section 21-2-540 for the conduct of special elections to present
 239 a question to the voters or special primaries or elections to fill vacancies in elected county
 240 or municipal offices, the registration deadline for such a special primary or election shall

241 be at the close of business on the fifth Monday prior to the date of the special primary or
 242 election or, if such Monday is a legal holiday, by the close of business on the following
 243 business day."

244

SECTION 10.

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, procedure, hearing, and right of
 247 appeal, as follows:

248 "(i) If the challenged elector appears at the polls to vote and it is not practical to conduct
 249 a hearing prior to the close of the polls or if the registrars begin a hearing and subsequently
 250 find that a decision on the challenge cannot be rendered within a reasonable time, the
 251 challenged elector shall be permitted to vote by casting a challenged ballot on the same
 252 type of ballot that is used by the county or municipality for ~~mail-in-absentee~~ provisional
 253 ballots. Such challenged ballot shall be sealed in double envelopes as provided in
 254 subsection (a) of Code Section 21-2-384 21-2-419 and, after having the word 'Challenged,'
 255 ~~and the elector's name, and the alleged cause of the challenge~~ written across the back of the
 256 outer envelope, the ballot shall be deposited by the person casting such ballot in a secure,
 257 sealed ballot box notwithstanding the fact that the polls may have closed prior to the time
 258 the registrars make such a determination, provided that the elector proceeds to vote
 259 immediately after such determination of the registrars. In such cases, if the challenge is
 260 based upon the grounds that the challenged elector is not qualified to remain on the list of
 261 electors, the registrars shall proceed to finish the hearing prior to the certification of the
 262 consolidated returns of the election by the election superintendent. If the challenge is based
 263 on other grounds, no further action shall be required by the registrars. The election
 264 superintendent shall not certify such consolidated returns until such hearing is complete
 265 and the registrars have rendered their decision on the challenge. If the registrars deny the
 266 challenge, the superintendent shall proceed to certify the consolidated returns. If the
 267 registrars uphold the challenge, the name of the challenged elector shall be removed from
 268 the list of electors and the ballot of the challenged elector shall be rejected and not counted
 269 and, if necessary, the returns shall be adjusted to remove any votes cast by such elector.
 270 The elector making the challenge and the challenged elector may appeal the decision of the
 271 registrars in the same manner as provided in subsection (e) of Code Section 21-2-229."

272

SECTION 11.

273 Said chapter is further amended by revising Code Section 21-2-231, relating to lists of
 274 persons convicted of felonies, persons identified as noncitizens, persons declared mentally
 275 incompetent, and deceased persons provided to Secretary of State; removal of names from

276 list of electors; timing; and list of inactive voters provided to Council of Superior Court
 277 Clerks, by adding a new subsection to read as follows:

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

285 **SECTION 12.**

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

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

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

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

306 **SECTION 13.**

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

311 “(a)(1) The superintendent shall, ~~at least 45 days prior to any general primary or general~~
 312 ~~election other than a municipal general primary or general election, as soon as possible~~
 313 ~~prior to a runoff, and at least 21 days prior to any municipal general primary or general~~
 314 ~~election~~ in consultation with the board of registrars or absentee ballot clerk, prepare,
 315 obtain, and deliver before the date specified in paragraph (2) of this subsection an
 316 adequate supply of official absentee ballots to the board of registrars or absentee ballot
 317 clerk for use in the primary or election or as soon as possible prior to a runoff. Envelopes
 318 and other supplies as required by this article may be ordered by the superintendent, the
 319 board of registrars, or the absentee ballot clerk for use in the primary or election.

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

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

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

352 (5) In the event an absentee ballot which has been mailed by the board of registrars or
 353 absentee ballot clerk is not received by the applicant, the applicant may notify the board
 354 of registrars or absentee ballot clerk and sign an affidavit stating that the absentee ballot
 355 has not been received. The board of registrars or absentee ballot clerk shall then issue a
 356 second absentee ballot to the applicant and cancel the original ballot issued. The affidavit
 357 shall be attached to the original application. A second application for an absentee ballot
 358 shall not be required."

359 **SECTION 14.**

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

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

373 **SECTION 15.**

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

377 "21-2-411.

378 The chief manager in each precinct shall return a checked list of electors, reflecting those
 379 who voted, and the voter's certificates to the superintendent, to be deposited with the
 380 registrars. The board of registrars shall keep such voter's certificates for at least 24 months

381 and such electors lists for at least five years, ~~and the same shall be available for public~~
 382 ~~inspection.~~"

383 **SECTION 16.**

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

386 "(e) No elector person shall use photographic or other electronic monitoring or recording
 387 devices, cameras, or cellular telephones while such elector person is within the enclosed
 388 space in a polling place while voting is taking place; provided, however, that a poll
 389 manager, in his or her discretion, may allow the use of photographic devices in the polling
 390 place under such conditions and limitations as the election superintendent finds
 391 appropriate, and provided, further, that no photography shall be allowed of a ballot or the
 392 face of a voting machine or DRE unit while an elector is voting such ballot or machine or
 393 DRE unit nor an electors list, electronic electors list, or the use of an electors list or
 394 electronic electors list. This subsection shall not prohibit the use of photographic or other
 395 electronic monitoring or recording devices, cameras, or cellular telephones by poll officials
 396 for official purposes."

397 **SECTION 17.**

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

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

413 **SECTION 18.**

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

416 "(d) Before leaving the voting compartment, the elector shall fold his or her ballot, without
 417 displaying the markings thereon, in the same way it was folded when received by him or
 418 her; and he or she shall then leave the compartment and exhibit the number strip of the
 419 ballot to a poll officer who shall ascertain by an inspection of the number appearing thereon
 420 whether the ballot so exhibited to him or her is the same ballot which the elector received
 421 before entering the voting compartment. If it is the same, the poll officer shall direct the
 422 elector, without unfolding the ballot, to remove the perforated portion containing the
 423 number, and the elector shall immediately deposit the ballot in the ballot box. The number
 424 strip shall be deposited in the stub box provided for such purpose and the number strips
 425 shall be retained with the ballots and other stubs. ~~If the ballot is marked 'Challenged,' the~~
 426 ~~numbered perforated portion shall not be removed and the ballot shall be deposited with~~
 427 ~~it attached.~~ Any ballot, other than one marked 'Challenged,' which has been challenged for
 428 cause under Code Section 21-2-230, deposited in a ballot box at any primary or election
 429 without having such number removed shall be void and shall not be counted."

430 **SECTION 19.**

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

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

436 **SECTION 20.**

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

439 "21-2-497.

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

- 444 (1) One copy to be posted at the county courthouse or, in the case of a municipal
 445 election, at the city hall for the information of the public;
 446 (2) One copy to be filed and recorded as a permanent record in the minutes of the
 447 superintendent's office;

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

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

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

456 (B) In the case of referendum elections provided for by an Act of the General
 457 Assembly, the returns shall immediately be certified by the authority holding such
 458 election to the Secretary of State, along with the precinct returns and numbered list of
 459 voters for each precinct. In addition thereto, the official citation of the Act involved
 460 and the purpose of such election shall be sent to the Secretary of State at the same time.
 461 The Secretary of State shall maintain a permanent record of such certifications;

462 (C) In the case of elections on constitutional amendments, the returns shall be certified
 463 immediately to the Secretary of State. Upon receiving the certified returns from the
 464 various superintendents, the Secretary of State shall immediately proceed to canvass
 465 and tabulate the votes cast on such amendments and certify the results to the Governor;
 466 and

467 (D) In the case of election for presidential electors, a separate return shall be prepared
 468 by each superintendent and certified immediately to the Secretary of State.

469 (b) Each county and municipal superintendent shall, upon certification, furnish to the
 470 Secretary of State a final copy of each ballot used for such election."

471 **SECTION 21.**

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

475 "21-2-499.

476 (a) Upon receiving the certified returns of any election from the various superintendents,
 477 the Secretary of State shall immediately proceed to tabulate, compute, and canvass the
 478 votes cast for all candidates described in subparagraph ~~(A) of paragraph (4)~~ (a)(4)(A) of
 479 Code Section 21-2-497 and upon all questions voted for by the electors of more than one
 480 county and shall thereupon certify and file in his or her office the tabulation thereof. In the
 481 event an error is found in the certified returns presented to the Secretary of State or in the
 482 tabulation, computation, or canvassing of votes as described in this Code section, the
 483 Secretary of State shall notify the county submitting the incorrect returns and direct the

484 county to correct and recertify such returns. Upon receipt by the Secretary of State of the
 485 corrected certified returns of the county, the Secretary of State shall issue a new
 486 certification of the results and shall file the same in his or her office.

487 (b) The Secretary of State shall also, upon receiving the certified returns for presidential
 488 electors, proceed to tabulate, compute, and canvass the votes cast for each slate of
 489 presidential electors and shall immediately lay them before the Governor. Not later than
 490 5:00 P.M. on the fourteenth day following the date on which such election was conducted,
 491 the Secretary of State shall certify the votes cast for all candidates described in
 492 subparagraph ~~(A)~~ of ~~paragraph (4)~~ (a)(4)(A) of Code Section 21-2-497 and upon all
 493 questions voted for by the electors of more than one county and shall no later than that
 494 same time lay the returns for presidential electors before the Governor. The Governor shall
 495 enumerate and ascertain the number of votes for each person so voted and shall certify the
 496 slates of presidential electors receiving the highest number of votes. The Governor shall
 497 certify the slates of presidential electors no later than 5:00 P.M. on the fifteenth day
 498 following the date on which such election was conducted. Notwithstanding the deadlines
 499 specified in this Code section, such times may be altered for just cause by an order of a
 500 judge of superior court of this state.

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

504 **SECTION 22.**

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

507 "(b) At least 29 days shall intervene between the call of a special primary and the holding
 508 of same, and at least 29 days shall intervene between the call of a special election and the
 509 holding of same. The period during which candidates may qualify to run in a special
 510 primary or a special election shall remain open for a minimum of two and one-half days.
 511 Special elections which are to be held in conjunction with the presidential preference
 512 primary, a state-wide general primary, or state-wide general election shall be called at least
 513 90 days prior to the date of such presidential preference primary, state-wide general
 514 primary, or state-wide general election; provided, however, that this requirement shall not
 515 apply to special elections held on the same date as such presidential preference primary,
 516 state-wide general primary, or state-wide general election but conducted completely
 517 separate and apart from such state-wide general primary or state-wide general election
 518 using different ballots or voting equipment, facilities, poll workers, and paperwork."

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

523 **SECTION 23.**

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

526 "21-2-544.

527 Whenever a vacancy shall occur or exist in either house of the General Assembly, ~~during~~
 528 ~~a session of the General Assembly or whenever such vacancy shall occur or exist at a time~~
 529 ~~when the members of the General Assembly shall be required to meet, at any time previous~~
 530 ~~to the next November election, the Governor shall issue, within ten days after the~~
 531 ~~occurrence of such vacancy, or after the calling of an extraordinary session of the General~~
 532 ~~Assembly during the existence of such vacancy, a writ of election to the Secretary of State~~
 533 ~~for a special election to fill such vacancy, which election shall be held on the date named~~
 534 ~~in the writ, which shall not be less than 30 nor more than 60 days after its issuance. such~~
 535 vacancy shall be filled as follows:

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

541 (2) Except as provided in paragraph (4) of this Code section, if such vacancy shall occur
 542 after the conclusion of the regular session which is held during the first year of the term
 543 of office of members of the General Assembly, but more than 60 days prior to the
 544 Tuesday following the first Monday in November of the first year of the term of office
 545 of members of the General Assembly, the Governor may issue at any time but no later
 546 than 60 days prior to the Tuesday following the first Monday in November of the first
 547 year of the term of office of members of the General Assembly a writ of election to the
 548 Secretary of State for a special election to fill such vacancy which shall be held not fewer
 549 than 30 days after its issuance nor later than 60 days prior to the Tuesday following the
 550 first Monday in November of the first year of the term of office of members of the
 551 General Assembly;

552 (3) If such vacancy shall occur after the conclusion of the regular session of the General
 553 Assembly held during the first year of the term of office of members of the General
 554 Assembly during the period beginning 60 days prior to the Tuesday following the first

555 Monday in November of such year and ending on the day prior to the beginning of the
 556 regular session of the General Assembly held during the second year of the term of office
 557 of members of the General Assembly, the Governor shall issue, within ten days after the
 558 occurrence of such vacancy, a writ of election to the Secretary of State for a special
 559 election to fill such vacancy which shall be held on the date named in the writ, which
 560 shall not be fewer than 30 nor more than 60 days after its issuance;

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

566 (5) If such vacancy shall occur following the conclusion of the regular session of the
 567 General Assembly during the second year of the term of office of members of the General
 568 Assembly, the issuance of a writ of election to fill such vacancy shall be in the discretion
 569 of the Governor except as otherwise provided in paragraph (6) of this Code section and
 570 if the Governor chooses to issue such writ of election to fill such vacancy, such election
 571 shall be held on the date named in the writ, which shall not be fewer than 30 nor more
 572 than 60 days after its issuance; or

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

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

585 Upon receiving the writ of election from the Governor, the Secretary of State shall then
 586 transmit the writ of election to the superintendent of each county involved and shall publish
 587 the call of the election. ~~In all other cases any such special election to fill any such vacancy~~
 588 ~~shall be held if the Governor issues his or her writ of election therefor. In such cases the~~
 589 ~~writ of election shall be issued to the Secretary of State who shall transmit the writ of~~
 590 ~~election to the superintendent of each county involved and shall publish the call of the~~
 591 ~~election."~~

592

SECTION 24.

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