

House Bill 899 (COMMITTEE SUBSTITUTE)

By: Representatives Brockway of the 101st, Hamilton of the 23rd, Williamson of the 111th, Powell of the 29th, Morgan of the 39th, 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, 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 photographic 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 alternative dates for political
21 body and independent candidates to qualify for office; to provide an exemption for
22 incumbents from filing nomination petitions; to provide that the State Election Board shall
23 prescribe the form of nomination petitions; to provide for nonpartisan municipal qualifying
24 periods; to provide for municipal qualifying times in even-numbered years; to provide that
25 an absentee ballot may be used to update an elector's name under certain circumstances; to
26 remove the authorization for political parties to elect their officials in primaries; to provide
27 deadlines for individuals and organizations to transmit voter registration cards; to authorize
28 electronic voter registration; to allow the use of United States Postal Service change of

H. B. 899 (SUB)

29 address information and confirmation cards to transfer the registration of voters who move
 30 from county to county; to remove a special election date; to provide for the electronic storage
 31 and safekeeping of certain voter registration records; to provide for the use of the most
 32 recent voter registration updates in verifying absentee ballots; to provide for extended
 33 retention of certain absentee ballot documentation; to provide restrictions on the use of
 34 photographic and electronic devices in polling places; to provide for the posting of certain
 35 information regarding elections at the election superintendent's office; to provide for related
 36 matters; to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating
 37 to drivers' licenses, so as to authorize the use of certain driver's licensing information for
 38 voter registration purposes; to provide for related matters; to repeal conflicting laws; and for
 39 other purposes.

40 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

41 **SECTION 1.**

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

45 "21-2-9.

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

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

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

62 (d) Whenever a municipal general primary or election is held in conjunction with the
 63 general primary or November general election in even-numbered years, the time specified

64 for the closing of the registration list, the time within which candidates must qualify for the
 65 municipal primary or election, and the time specified for the holding of any runoff
 66 necessary shall be the same as specified for general elections."

67 **SECTION 2.**

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

71 "21-2-40.

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

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

81 **SECTION 3.**

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

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

90 (b) The General Assembly may by local Act create a joint county-municipal board of
 91 elections and registration in any county of this state for that county and any municipality
 92 located wholly or partially within that county and empower the board with the powers and
 93 duties of the election superintendent of that county and municipality with regard to the
 94 conduct of primaries and elections and empower the board with the powers and duties of
 95 the registrars and board of registrars of that municipality and county with regard to the
 96 registration of voters and absentee-balloting procedures. Such board shall consist of not
 97 fewer than three members."

98 **SECTION 4.**

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

101 "21-2-90.

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

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

116 **SECTION 5.**

117 Said chapter is further amended by revising subsections (c), (d), (e), (h), and (i) of Code
118 Section 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit;
119 payment of qualifying fee; pauper's affidavit and qualifying petition for exemption from
120 qualifying fee; and military service, as follows:

121 "(c) Except as provided in subsection (i) of this Code section, all candidates seeking
122 election in a nonpartisan election shall file their notice of candidacy and pay the prescribed
123 qualifying fee by the date prescribed in this subsection in order to be eligible to have their
124 names placed on the nonpartisan election ballot by the Secretary of State or election
125 superintendent, as the case may be, in the following manner:

126 (1) Each candidate for the office of judge of the superior court, Judge of the Court of
127 Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his
128 or her name placed on the nonpartisan election ballot shall file a notice of candidacy,
129 giving his or her name, residence address, and the office sought, in the office of the
130 Secretary of State no earlier than 9:00 A.M. on the fourth Monday in April immediately
131 prior to the election and no later than 12:00 Noon on the Friday following the fourth
132 Monday in April, notwithstanding the fact that any such days may be legal holidays; ~~and~~

133 (2) Each candidate for a county judicial office, a local school board office, or an office
 134 of a consolidated government, or the candidate's agent, desiring to have his or her name
 135 placed on the nonpartisan election ballot shall file notice of candidacy in the office of the
 136 superintendent no earlier than 9:00 A.M. on the fourth Monday in April immediately
 137 prior to the election and no later than 12:00 Noon on the Friday following the fourth
 138 Monday in April, notwithstanding the fact that any such days may be legal holidays; and
 139 (3) Each candidate for a nonpartisan municipal office or a designee shall file a notice of
 140 candidacy in the office of the municipal superintendent of such candidate's municipality
 141 during the municipality's nonpartisan qualifying period. Each municipal superintendent
 142 shall designate the days of such qualifying period, which shall be no less than three days
 143 and no more than five days. The days of the qualifying period shall be consecutive days.
 144 Nonpartisan qualifying periods shall commence no earlier than 8:30 A.M. on the last
 145 Monday in August immediately preceding the general election and shall end no later than
 146 4:30 P.M. on the following Friday; and, in the case of a special election, the municipal
 147 nonpartisan qualifying period shall commence no earlier than the date of the call and shall
 148 end no later than 25 days prior to the election.

149 (d) Except as provided in subsection (i) of this Code section, all political body and
 150 independent candidates shall file their notice of candidacy and pay the prescribed
 151 qualifying fee by the date prescribed in this subsection in order to be eligible to have their
 152 names placed on the election ballot by the Secretary of State or election superintendent, as
 153 the case may be, in the following manner:

154 (1) Each candidate for federal or state office, or his or her agent, desiring to have his or
 155 her name placed on the election ballot shall file a notice of his or her candidacy, giving
 156 his or her name, residence address, and the office he or she is seeking, in the office of the
 157 Secretary of State either during the period beginning at 9:00 A.M. on the fourth Monday
 158 in April immediately prior to the election and ending at 12:00 Noon on the Friday
 159 following the fourth Monday in April, notwithstanding the fact that any such days may
 160 be legal holidays, or during the period beginning at ~~no earlier than~~ 9:00 A.M. on the
 161 fourth Monday in June immediately prior to the election and ~~no later than~~ ending at 12:00
 162 Noon on the Friday following the fourth Monday in June, notwithstanding the fact that
 163 any such days may be legal holidays, in the case of a general election and no earlier than
 164 the date of the call of the election and no later than 25 days prior to the election in the
 165 case of a special election;

166 (2) Each candidate for a county office, or his or her agent, desiring to have his or her
 167 name placed on the election ballot shall file notice of his or her candidacy in the office
 168 of the superintendent of his or her county either during the period beginning at 9:00 A.M.
 169 on the fourth Monday in April immediately prior to the election and ending at 12:00

170 Noon on the Friday following the fourth Monday in April, notwithstanding the fact that
 171 any such days may be legal holidays, or during the period beginning at no earlier than
 172 9:00 A.M. on the fourth Monday in June immediately prior to the election and ~~no later~~
 173 ~~than~~ ending at 12:00 Noon on the Friday following the fourth Monday in June,
 174 notwithstanding the fact that any such days may be legal holidays, in the case of a general
 175 election and no earlier than the date of the call of the election and no later than 25 days
 176 prior to the election in the case of a special election;

177 (3) Each candidate for municipal office or a designee shall file a notice of candidacy in
 178 the office of the municipal superintendent of such candidate's municipality during the
 179 municipality's qualifying period. Each municipal superintendent shall designate the days
 180 of the qualifying period, which shall be no less than three days and no more than five
 181 days. The days of the qualifying period shall be consecutive days. Qualifying periods
 182 shall commence no earlier than 8:30 A.M. on the last Monday in August immediately
 183 preceding the general election and shall end no later than 4:30 P.M. on the following
 184 Friday; and, in the case of a special election, the municipal qualifying period shall
 185 commence no earlier than the date of the call and shall end no later than 25 days prior to
 186 the election; and

187 (4)(A) In extraordinary circumstances as described in Code Section 21-2-543.1, each
 188 candidate, or his or her agent, desiring to have his or her name placed on the election
 189 ballot shall file a notice of his or her candidacy, giving his or her name, residence
 190 address, and the office he or she is seeking, with the Office of the Secretary of State no
 191 earlier than the date of the call of the special election and not later than ten days after
 192 the announcement of such extraordinary circumstances.

193 (B) The provisions of this subsection shall not apply where, during the 75 day period
 194 beginning on the date of the announcement of the vacancy:

195 (i) A regularly scheduled general election for the vacant office is to be held; or

196 (ii) Another special election for the vacant office is to be held pursuant to a writ for
 197 a special election issued by the Governor prior to the date of the announcement of the
 198 vacancy.

199 The hours of qualifying each day shall be from 8:30 A.M. until 4:30 P.M. with one hour
 200 allowed for the lunch break; provided, however, that municipalities which have normal
 201 business hours which cover a lesser period of time shall conduct qualifying during normal
 202 business hours for each such municipality. Except in the case of a special election, notice
 203 of the opening and closing dates and the hours for candidates to qualify shall be published
 204 at least two weeks prior to the opening of the qualifying period.

205 (e) Except as provided in subsection (i) of this Code section, each candidate required to
 206 file a notice of candidacy by this Code section shall, no earlier than 9:00 A.M. on the fourth

207 Monday in June immediately prior to the election and no later than 12:00 Noon on the
 208 second Tuesday in July immediately prior to the election, file with the same official with
 209 whom he or she filed his or her notice of candidacy a nomination petition in the form
 210 prescribed in Code Section 21-2-170, except that such petition shall not be required if such
 211 candidate is:

212 (1) A nominee of a political party for the office of presidential elector when such party
 213 has held a national convention and therein nominated candidates for President and Vice
 214 President of the United States;

215 (2) Seeking office in a special election;

216 (3) An incumbent qualifying as a candidate to succeed ~~such incumbent if, prior to the~~
 217 ~~election in which such incumbent was originally elected to the office for which such~~
 218 ~~incumbent seeks reelection, such incumbent filed a notice of candidacy and a nomination~~
 219 ~~petition as required by this chapter~~ himself or herself;

220 (4) A candidate seeking election in a nonpartisan election; or

221 (5) A nominee for a state-wide office by a duly constituted political body convention,
 222 provided that the political body making the nomination has qualified to nominate
 223 candidates for state-wide public office under the provisions of Code Section 21-2-180."

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

228 (1) A qualifying petition of a candidate seeking an office which is voted upon state wide
 229 shall be signed by a number of voters equal to one-fourth of 1 percent of the total number
 230 of registered voters eligible to vote in the last election for the filling of the office the
 231 candidate is seeking and the signers of such petition shall be registered and eligible to
 232 vote in the election at which such candidate seeks to be elected. A qualifying petition of
 233 a candidate for any other office shall be signed by a number of voters equal to 1 percent
 234 of the total number of registered voters eligible to vote in the last election for the filling
 235 of the office the candidate is seeking and the signers of such petition shall be registered
 236 and eligible to vote in the election at which such candidate seeks to be elected. However,
 237 in the case of a candidate seeking an office for which there has never been an election or
 238 seeking an office in a newly constituted constituency, the percentage figure shall be
 239 computed on the total number of registered voters in the constituency who would have
 240 been qualified to vote for such office had the election been held at the last general
 241 election and the signers of such petition shall be registered and eligible to vote in the
 242 election at which such candidate seeks to be elected;

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

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

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

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

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

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

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

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

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

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

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

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

291 No notary public may sign the petition as an elector or serve as a circulator of any petition
 292 which he or she notarized. Any and all sheets of a petition that have the circulator's
 293 affidavit notarized by a notary public who also served as a circulator of one or more sheets
 294 of the petition or who signed one of the sheets of the petition as an elector shall be
 295 disqualified and rejected.

296 (i) Notwithstanding any other provision of this chapter to the contrary, for general
 297 elections held in the even-numbered year immediately following the official release of the
 298 United States decennial census data to the states for the purpose of redistricting of the
 299 legislatures and the United States House of Representatives, candidates in such elections
 300 shall qualify as provided in this subsection:

301 (1) All candidates seeking election in a nonpartisan election shall file their notice of
 302 candidacy and pay the prescribed qualifying fee by the date prescribed in this paragraph
 303 in order to be eligible to have their names placed on the nonpartisan election ballot by the
 304 Secretary of State or election superintendent, as the case may be, in the following
 305 manner:

306 (A) Each candidate for the office of judge of the superior court, Judge of the Court of
 307 Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his
 308 or her name placed on the nonpartisan election ballot shall file a notice of candidacy,
 309 giving his or her name, residence address, and the office sought, in the office of the
 310 Secretary of State at the same time as candidates for party nomination in the general
 311 primary as provided in paragraph (1) of subsection (c) of Code Section 21-2-153,
 312 notwithstanding the fact that any such days may be legal holidays; and

313 (B) Each candidate for a county judicial office, a local school board office, or an office
 314 of a consolidated government, or the candidate's agent, desiring to have his or her name
 315 placed on the nonpartisan election ballot shall file a notice of candidacy in the office
 316 of the superintendent at the same time as candidates for party nomination in the general

317 primary as provided in paragraph (1) of subsection (c) of Code Section 21-2-153,
 318 notwithstanding the fact that any such days may be legal holidays;

319 (2) All political body and independent candidates shall file their notice of candidacy and
 320 pay the prescribed qualifying fee by the date prescribed in this paragraph in order to be
 321 eligible to have their names placed on the general election ballot by the Secretary of State
 322 or election superintendent, as the case may be, in the following manner:

323 (A) Each candidate for federal or state office, or his or her agent, desiring to have his
 324 or her name placed on the general election ballot shall file a notice of his or her
 325 candidacy, giving his or her name, residence address, and the office he or she is
 326 seeking, in the office of the Secretary of State ~~no earlier than~~ either during the period
 327 beginning at 9:00 A.M. on the Wednesday immediately following the third Monday in
 328 May immediately prior to such election and ending at 12:00 Noon on the Friday
 329 immediately following the Wednesday immediately following the third Monday in
 330 May, notwithstanding the fact that any such days may be legal holidays, or during the
 331 period beginning at 9:00 A.M. on the last Monday in July immediately prior to the
 332 election and ~~no later than~~ ending at 12:00 Noon on the Friday following the last
 333 Monday in July, notwithstanding the fact that any such days may be legal holidays; and

334 (B) Each candidate for a county office, or his or her agent, desiring to have his or her
 335 name placed on the general election ballot shall file notice of his or her candidacy in the
 336 office of the superintendent of his or her county ~~no earlier than~~ either during the period
 337 beginning at 9:00 A.M. on the Wednesday immediately following the third Monday in
 338 May immediately prior to such election and ending at 12:00 Noon on the Friday
 339 immediately following the Wednesday immediately following the third Monday in
 340 May, notwithstanding the fact that any such days may be legal holidays, or during the
 341 period beginning at 9:00 A.M. on the last Monday in July immediately prior to the
 342 election and ~~no later than~~ ending at 12:00 Noon on the Friday following the last
 343 Monday in July, notwithstanding the fact that any such days may be legal holidays; and

344 (3) Candidates required to file nomination petitions under subsection (e) of this Code
 345 section shall file such petitions not earlier than 9:00 A.M. on the fourth Monday in July
 346 immediately prior to the general election and not later than 12:00 Noon on the first
 347 Monday in August immediately prior to the general election."

348 **SECTION 6.**

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

352 ~~“(e)(1) The Secretary of State or appropriate municipal official shall certify and transmit~~
 353 ~~to the election superintendent of each county affected at least ten days prior to the within~~
 354 ~~five days following the deadline for the submission by write-in candidates of the notice~~
 355 ~~and documentation required by this Code section to be a write-in candidate in a general~~
 356 ~~or special election the names of all persons who have filed notices of intention to be~~
 357 ~~write-in candidates with the Secretary of State or appropriate municipal official for such~~
 358 ~~general or special election.~~

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

365 (3) The municipal election superintendent shall certify within five days following the
 366 deadline for the submission by write-in candidates for municipal offices of the notice and
 367 documentation required by this Code section to be a write-in candidate in a general or
 368 special election the names of all persons who have filed notices of intention to be write-in
 369 candidates with the municipal election superintendent for municipal offices for such
 370 general or special election.”

371 **SECTION 7.**

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

375 “(e) The qualifying fee shall be returned to the candidate in the event such candidate
 376 withdraws, dies, or is disqualified prior to the close of the qualifying period; however, after
 377 the close of the qualifying period, the qualifying fee shall not be returned to the candidate
 378 for any reason including withdrawal, death, or disqualification; provided, however, that,
 379 if such disqualification is the result of an error or negligence of the officer with whom such
 380 candidate qualified and not the result of any action of the candidate and such error or
 381 negligence is verified in writing by the Secretary of State, such fee may be refunded to the
 382 candidate.”

383 **SECTION 8.**

384 Said chapter is further amended by revising subsection (a) of Code Section 21-2-151, relating
 385 to authorization for political party primaries, as follows:

386 "(a) A political party ~~may elect its officials and~~ shall nominate its candidates for public
 387 office in a primary. Except for substitute nominations as provided in Code
 388 Section 21-2-134 and nomination of presidential electors, all nominees of a political party
 389 for public office shall be nominated in the primary preceding the general election in which
 390 the candidates' names will be listed on the ballot."

391 **SECTION 9.**

392 Said chapter is further amended by revising subsection (a.1) of Code Section 21-2-153,
 393 relating to qualification of candidates for party nomination in a state or county primary,
 394 posting of list of all qualified candidates, filing of affidavit with political party by each
 395 qualifying candidate, and performance of military service does not create vacancy, as
 396 follows:

397 "(a.1) No candidate shall be authorized to file a pauper's affidavit in lieu of paying the
 398 qualifying fee otherwise required by this Code section and Code Section 21-2-131 unless
 399 such candidate has filed a qualifying petition which complies with the following
 400 requirements:

401 (1) A qualifying petition of a candidate seeking an office which is voted upon state wide
 402 shall be signed by a number of voters equal to one-fourth of 1 percent of the total number
 403 of registered voters eligible to vote in the last election for the filling of the office the
 404 candidate is seeking and the signers of such petition shall be registered and eligible to
 405 vote in the election at which such candidate seeks to be elected. A qualifying petition of
 406 a candidate for any other office shall be signed by a number of voters equal to 1 percent
 407 of the total number of registered voters eligible to vote in the last election for the filling
 408 of the office the candidate is seeking and the signers of such petition shall be registered
 409 and eligible to vote in the election at which such candidate seeks to be elected. However,
 410 in the case of a candidate seeking an office for which there has never been an election or
 411 seeking an office in a newly constituted constituency, the percentage figure shall be
 412 computed on the total number of registered voters in the constituency who would have
 413 been qualified to vote for such office had the election been held at the last general
 414 election and the signers of such petition shall be registered and eligible to vote in the
 415 election at which such candidate seeks to be elected;

416 (2) Each person signing a qualifying petition shall declare therein that he or she is a duly
 417 qualified and registered elector of the state entitled to vote in the next election for the
 418 filling of the office sought by the candidate supported by the petition and shall add to his
 419 or her signature his or her residence address, giving municipality, if any, and county, with
 420 street and number, if any. No person shall sign the same petition more than once. Each
 421 petition shall support the candidacy of only a single candidate. A signature shall be

422 stricken from the petition when the signer so requests prior to the presentation of the
 423 petition to the appropriate officer for filing, but such a request shall be disregarded if
 424 made after such presentation. Each sheet shall bear on the bottom or back thereof the
 425 affidavit of the circulator of such sheet, setting forth:

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

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

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

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

435 (3) A qualifying petition shall be in the form and manner determined by the Secretary
 436 of State and approved by the State Elections Board ~~on one or more sheets of uniform size~~
 437 ~~and different sheets must be used by signers resident in different counties. The upper~~
 438 ~~portion of each sheet, prior to being signed by any petitioner, shall bear the name and title~~
 439 ~~of the officer with whom the petition will be filed, the name of the candidate to be~~
 440 ~~supported by the petition, his or her profession, business, or occupation, if any, his or her~~
 441 ~~place of residence with street and number, if any, the name of the office he or she is~~
 442 ~~seeking, his or her political party or body affiliation, if any, and the name and date of the~~
 443 ~~election in which the candidate is seeking election. If more than one sheet is used, they~~
 444 ~~shall be bound together when offered for filing if they are intended to constitute one~~
 445 ~~qualifying petition, and each sheet shall be numbered consecutively, beginning with~~
 446 ~~number one, at the foot of each page. Each sheet shall bear on the bottom or back thereof~~
 447 ~~the affidavit of the circulator of such sheet, setting forth:~~

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

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

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

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

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

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

462 **SECTION 10.**

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

466 "(a) Members of the board of registrars shall be electors of the state and county in which
 467 they serve, and any deputy registrars shall be electors of the state. All registrars shall be
 468 able to read, write, and speak the English language. Municipal registrars shall be registered
 469 Georgia voters and shall be able to read, write, and speak the English language. Registrars
 470 and deputy registrars shall have never been convicted of a felony or of any crime involving
 471 fraud or moral turpitude unless such person's civil rights have been restored and at least ten
 472 years have elapsed from the date of the completion of the sentence without a subsequent
 473 conviction of another felony involving moral turpitude, and the appointing authority shall
 474 be authorized to investigate the applicant's criminal history before making such
 475 appointment."

476 **SECTION 11.**

477 Said chapter is further amended by revising subsection (c) of Code Section 21-2-218, relating
 478 to cancellation of registration in former state or county and address changes and corrections,
 479 as follows:

480 "(c) In the event that an elector moves to a residence within the county or municipality and
 481 has a different address from the address contained on the person's registration card, it shall
 482 be the duty of such elector to notify the board of registrars of such fact by the fifth Monday
 483 prior to the primary or election in which such elector wishes to vote by submitting the
 484 change of address in writing. The board of registrars shall then correct the elector's record
 485 to reflect the change of address and place the elector in the proper precinct and voting
 486 districts. The board of registrars may accept a properly submitted application for an
 487 absentee ballot for this purpose for electors who move to an address within the county or
 488 municipality which is different from the address contained on the person's registration card.
 489 The board of registrars may also accept a properly submitted application for an absentee
 490 ballot to correct an elector's name on the voter registration list if all necessary information
 491 to complete such a change is included with the application."

492 **SECTION 12.**

493 Said chapter is further amended by revising subsection (a) of Code Section 21-2-219, relating
494 to registration cards, as follows:

495 "(a) The registration cards for use by persons in making application to register to vote shall
496 be in a form as specified by the Secretary of State, which shall include printed forms, forms
497 made available through electronic means, or otherwise. Except as provided in
498 subsection (b) of this Code section and Code Section 21-2-221.2, only registration cards
499 issued or authorized for use by the Secretary of State or the national voter registration card
500 promulgated ~~by the Federal Election Commission~~ under the provisions of the National
501 Voter Registration Act of 1993, 42 U.S.C. Section 1973gg-7, shall be accepted for
502 purposes of voter registration."

503 **SECTION 13.**

504 Said chapter is further amended by revising subsection (a) of Code Section 21-2-220, relating
505 to application for registration, as follows:

506 "(a) Any person desiring to register as an elector shall apply to do so by making
507 application to a registrar or deputy registrar of such person's county of residence in
508 person, by submission of the federal post card application form as authorized under Code
509 Section 21-2-219, by making application through the Department of Driver Services as
510 provided in Code Section 21-2-221, by making application through the Department of
511 Natural Resources as provided in Code Section 21-2-221.1, by making application online
512 as provided in Code Section 21-2-221.2, by making application through designated
513 offices as provided in Code Section 21-2-222, or by making application by mail as
514 provided in Code Section 21-2-223."

515 **SECTION 14.**

516 Said chapter is further amended by adding a new Code section to read as follows:

517 "21-2-221.2.

518 (a) A person who is qualified to register to vote in this state and who has a valid Georgia
519 driver's license or identification card may submit a voter registration application on the
520 Internet website of the Secretary of State. The Secretary of State shall, in conjunction with
521 the Department of Driver Services, design and implement a system to allow for such
522 electronic voter registration.

523 (b) An application submitted pursuant to this Code section shall contain:

524 (1) The applicant's name and residence address;

525 (2) The applicant's driver's license or identification card number;

526 (3) The applicant's date of birth;

527 (4) An affirmation by the applicant that the applicant is a citizen of the State of Georgia
528 and of the United States;

529 (5) An affirmation by the applicant that the information provided is truthful and that the
530 applicant is eligible to vote in the State of Georgia;

531 (6) An assent by the applicant to the use of his or her signature from his or her driver's
532 license or identification card; and

533 (7) Such other information the Secretary of State deems necessary to establish the
534 identity of the applicant.

535 (c) Upon the submission of an application through the website pursuant to this Code
536 section, the software used by the Secretary of State for processing applications through the
537 website shall provide for immediate verification of all of the following:

538 (1) That the applicant has a valid Georgia driver's license or identification card and that
539 the number for that driver's license or identification card provided by the applicant
540 matches the number for the applicant's driver's license or identification card that is on file
541 with the Department of Driver Services;

542 (2) That the date of birth provided by the applicant matches the date of birth that is on
543 file with the Department of Driver Services; and

544 (3) That the applicant is a citizen of the State of Georgia and of the United States and
545 that the information provided by the applicant matches the information on file with the
546 Department of Driver Services.

547 If any of these items does not match or if the application is incomplete, the application shall
548 be void and shall be rejected and the applicant shall be notified of such rejection either
549 electronically or by mail within five days after such application is rejected.

550 (d) If all of the items enumerated in subsection (c) of this Code section are verified, the
551 Secretary of State shall obtain an electronic copy of the applicant's signature from the
552 applicant's driver's license or identification card on file with the Department of Driver
553 Services. The application shall then be processed in the same manner as applications under
554 Code Section 21-2-221. Except as otherwise provided by this Code section, the application
555 shall be deemed to have been made as of the date that the information was provided by the
556 applicant through the Internet website.

557 (e) The matching of information pursuant to subsection (c) of this Code section shall
558 satisfy the requirements of subsection (g) of Code Section 21-2-216.

559 (f) The Secretary of State shall employ security measures to ensure the accuracy and
560 integrity of voter registration applications submitted electronically pursuant to this Code
561 section."

562 **SECTION 15.**

563 Said chapter is further amended by revising subsection (b) of Code Section 21-2-224, relating
 564 to registration deadlines, restrictions on voting in primaries, official list of electors, and
 565 voting procedure when portion of county changed from one county to another, and adding
 566 a new subsection to read as follows:

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

575 (1) If such special primary or special election is held in conjunction with a general
 576 primary, general election, or presidential preference primary, the registration deadline for
 577 such special primary or special election shall be the same as the registration deadline for
 578 the general primary, general election, or presidential preference primary in conjunction
 579 with which the special primary or special election is being conducted; or

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

588 "(c.1) An individual or organization shall promptly transmit all completed voter
 589 registration applications to the Secretary of State or the appropriate board of registrars
 590 within ten days after receiving such application or by the close of registration, whichever
 591 period is earlier. If an individual or organization receives a completed voter registration
 592 application 14 or fewer days before the close of registration, the individual or
 593 organization shall transmit the application to the Secretary of State or the appropriate
 594 board of registrars within 72 hours of the date of the execution of the application or by
 595 midnight on the close of registration, whichever period is earlier."

596

SECTION 16.

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

600 "(i) If the challenged elector appears at the polls to vote and it is not practical to conduct
 601 a hearing prior to the close of the polls or if the registrars begin a hearing and subsequently
 602 find that a decision on the challenge cannot be rendered within a reasonable time, the
 603 challenged elector shall be permitted to vote by casting a challenged ballot on the same
 604 type of ballot that is used by the county or municipality for ~~mail-in absentee~~ provisional
 605 ballots. Such challenged ballot shall be sealed in double envelopes as provided in
 606 subsection (a) of Code Section 21-2-384 21-2-419 and, after having the word 'Challenged,'
 607 ~~and the elector's name, and the alleged cause of the challenge~~ written across the back of the
 608 outer envelope, the ballot shall be deposited by the person casting such ballot in a secure,
 609 sealed ballot box notwithstanding the fact that the polls may have closed prior to the time
 610 the registrars make such a determination, provided that the elector proceeds to vote
 611 immediately after such determination of the registrars. In such cases, if the challenge is
 612 based upon the grounds that the challenged elector is not qualified to remain on the list of
 613 electors, the registrars shall proceed to finish the hearing prior to the certification of the
 614 consolidated returns of the election by the election superintendent. If the challenge is based
 615 on other grounds, no further action shall be required by the registrars. The election
 616 superintendent shall not certify such consolidated returns until such hearing is complete
 617 and the registrars have rendered their decision on the challenge. If the registrars deny the
 618 challenge, the superintendent shall proceed to certify the consolidated returns. If the
 619 registrars uphold the challenge, the name of the challenged elector shall be removed from
 620 the list of electors and the ballot of the challenged elector shall be rejected and not counted
 621 and, if necessary, the returns shall be adjusted to remove any votes cast by such elector.
 622 The elector making the challenge and the challenged elector may appeal the decision of the
 623 registrars in the same manner as provided in subsection (e) of Code Section 21-2-229."

624

SECTION 17.

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

630 "(e.1) County registrars may obtain information about persons who died from obituaries
 631 published by local newspapers, death certificates, verifiable knowledge of the death, and

632 information provided in writing and signed by a family member or members of the
 633 deceased person. County registrars shall determine if such deceased person's name appears
 634 on the list of electors and, if so, shall remove such name from the list of electors and shall
 635 send by first class mail to the mailing address shown on the elector's voter registration
 636 records a notice of such action and the reason therefor."

637 **SECTION 18.**

638 Said chapter is further amended by revising subsections (c) and (d) of Code
 639 Section 21-2-233, relating to comparison of change of address information supplied by
 640 United States Postal Service with electors list, removal from list of electors, and notice to
 641 electors, as follows:

642 "(c) If it appears from the change of address information supplied by the licensees of the
 643 United States Postal Service that an elector whose name appears on the official list of
 644 electors has moved to a different address outside of the boundaries of the county or
 645 municipality in which the elector is presently registered, such elector shall be sent a
 646 confirmation notice as provided in Code Section 21-2-234 at the old address of the elector.
 647 The registrars may also send a confirmation notice to the elector's new address. If the
 648 elector confirms the change of address to an address outside of the ~~boundaries of the county~~
 649 ~~or municipality in which the elector is presently registered~~ State of Georgia, the elector's
 650 name shall be removed from the appropriate list of electors. If the elector confirms the
 651 change of address to an address outside of the boundaries of the county or municipality in
 652 which the elector is presently registered, but still within the State of Georgia, the elector's
 653 registration shall be transferred to the new county or municipality. The Secretary of State
 654 or the registrars shall forward the confirmation card to the registrars of the county in which
 655 the elector's new address is located and the registrars of the county of the new address shall
 656 update the voter registration list to reflect the change of address. If the elector responds to
 657 the notice and affirms that the elector has not moved, the elector shall remain on the list of
 658 electors at the elector's current address. If the elector fails to respond to the notice within
 659 30 days after the date of the notice, the elector shall be transferred to the inactive list
 660 provided for in Code Section 21-2-235.

661 (d) Whenever an elector's name is removed from the list of electors by the county
 662 registrars because the elector has furnished in writing to the registrar a residence address
 663 that is located outside of the ~~elector's present county of registration~~ State of Georgia, the
 664 registrars shall notify the elector in writing at the elector's new address that the elector's
 665 name is being deleted from the list of electors ~~for that county and that the elector must~~
 666 ~~reregister in the new county of residence in order to be eligible to vote. The registrars shall~~
 667 ~~provide the person with the appropriate form for registration at the time of such notice.~~

668 Whenever an elector's registration is transferred by the county registrars to another county
 669 in this state because the elector has furnished in writing to the registrar a residence address
 670 that is located in this state outside of the elector's present county of registration in
 671 accordance with subsection (c) of this Code section, the registrars of the county of the
 672 elector's former residence shall notify the elector in writing at the elector's new address that
 673 the elector's registration is being transferred to the new address. The registrars of the
 674 county of the elector's new address shall provide the elector with a new registration card
 675 pursuant to Code Section 21-2-226."

676 **SECTION 19.**

677 Said chapter is further amended by revising Code Section 21-2-236, relating to periods of
 678 retention of registration cards, applications, and records of list maintenance activities, as
 679 follows:

680 "21-2-236.

681 (a) The voter registration cards of electors whose names appear on either the official list
 682 of electors or the list of inactive electors shall be retained on file as long as the elector
 683 remains on such lists and for a period of two years following the removal from the lists;
 684 provided, however, that an original voter registration card may be destroyed if an image
 685 of the face of the card is stored electronically.

686 (b) The registration applications of persons whose applications were rejected and all
 687 related material and records, or electronic facsimiles thereof, shall be retained on file for
 688 a period of two years after the date of the rejection.

689 (c) All records concerning list maintenance activities under Code Sections 21-2-233 and
 690 21-2-234 shall be maintained for a period of two years and shall be available for public
 691 inspection and copying, except to the extent that such records relate to a declination to
 692 register to vote or to the identity of a voter registration agency through which any particular
 693 elector is registered. Such records shall contain the name and address of all electors to
 694 whom confirmation notices are sent and information concerning whether each such elector
 695 has responded to such notice.

696 (d) The State Election Board shall adopt rules and regulations regarding the safekeeping
 697 and maintenance of electronic records of voter registration records maintained under this
 698 Code section."

699 **SECTION 20.**

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

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

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

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

720

SECTION 21.

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

725 "(a)(1) The superintendent shall, ~~at least 45 days prior to any general primary or general~~
 726 ~~election other than a municipal general primary or general election, as soon as possible~~
 727 ~~prior to a runoff, and at least 21 days prior to any municipal general primary or general~~
 728 ~~election~~ in consultation with the board of registrars or absentee ballot clerk, prepare,
 729 obtain, and deliver before the date specified in paragraph (2) of this subsection an
 730 adequate supply of official absentee ballots to the board of registrars or absentee ballot
 731 clerk for use in the primary or election or as soon as possible prior to a runoff. Envelopes
 732 and other supplies as required by this article may be ordered by the superintendent, the
 733 board of registrars, or the absentee ballot clerk for use in the primary or election.

734 (2) The board of registrars or absentee ballot clerk shall, ~~within two days after the receipt~~
 735 ~~of such ballots and supplies~~, mail or issue official absentee ballots to all eligible
 736 applicants not more than 49 days but not less than 45 days prior to any presidential
 737 preference primary, general primary other than a municipal general primary, general
 738 election other than a municipal general election, or special primary or special election in

739 which there is a candidate for a federal office on the ballot; 22 days prior to any
 740 municipal general primary or municipal general election; and as soon as possible prior
 741 to any runoff. In the case of all other special primaries or special elections, the board of
 742 registrars or absentee ballot clerk shall mail or issue official absentee ballots to all eligible
 743 applicants within three days after the receipt of such ballots and supplies, but no earlier
 744 than 22 days prior to the election; provided, however, that should any elector of the
 745 jurisdiction be permitted to vote by absentee ballot beginning 49 days prior to a primary
 746 or election, all eligible applicants of such jurisdiction shall be entitled to vote by absentee
 747 ballot beginning 49 days prior to such primary or election. As additional applicants are
 748 determined to be eligible, the board or clerk shall mail or issue official absentee ballots
 749 to such additional applicants immediately upon determining their eligibility; provided,
 750 however, that no absentee ballot shall be mailed by the registrars or absentee ballot clerk
 751 on the day prior to a primary or election and provided, further, that no absentee ballot
 752 shall be issued on the day prior to a primary or election. The board of registrars shall, at
 753 ~~least 45 days prior to any general primary, or general election other than a municipal~~
 754 ~~general primary or general election, as soon as possible prior to a runoff, and at least 21~~
 755 ~~days prior to any municipal general primary or general election, mail or~~ within the same
 756 time periods specified in this subsection, electronically transmit official absentee ballots
 757 to all electors who have requested to receive their official absentee ballot electronically
 758 and are entitled to vote by such absentee ballot under the federal Uniformed and Overseas
 759 Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended.

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

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

766 (5) In the event an absentee ballot which has been mailed by the board of registrars or
 767 absentee ballot clerk is not received by the applicant, the applicant may notify the board
 768 of registrars or absentee ballot clerk and sign an affidavit stating that the absentee ballot
 769 has not been received. The board of registrars or absentee ballot clerk shall then issue a
 770 second absentee ballot to the applicant and cancel the original ballot issued. The affidavit
 771 shall be attached to the original application. A second application for an absentee ballot
 772 shall not be required."

773 **SECTION 22.**

774 Said chapter is further amended by revising subparagraphs (a)(1)(B) and (a)(1)(C) of Code
 775 Section 21-2-386, relating to safekeeping, certification, and validation of absentee ballots;
 776 rejection of ballot; delivery of ballots to manager; duties of managers; precinct returns; and
 777 notification of challenged elector, as follows:

778 "(B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the
 779 receipt of the ballot on its envelope. The registrar or clerk shall then compare the
 780 identifying information on the oath with the information on file in his or her office,
 781 shall compare the signature or mark on the oath with the signature or mark on the
 782 absentee elector's voter registration card or the most recent update to such absentee
 783 elector's voter registration card and application for absentee ballot or a facsimile of said
 784 signature or mark taken from said card or application, and shall, if the information and
 785 signature appear to be valid and other identifying information appears to be correct, so
 786 certify by signing or initialing his or her name below the voter's oath. Each elector's
 787 name so certified shall be listed by the registrar or clerk on the numbered list of
 788 absentee voters prepared for his or her precinct.

789 (C) If the elector has failed to sign the oath, or if the signature does not appear to be
 790 valid, or if the elector has failed to furnish required information or information so
 791 furnished does not conform with that on file in the registrar's or clerk's office, or if the
 792 elector is otherwise found disqualified to vote, the registrar or clerk shall write across
 793 the face of the envelope 'Rejected,' giving the reason therefor. The board of registrars
 794 or absentee ballot clerk shall promptly notify the elector of such rejection, a copy of
 795 which notification shall be retained in the files of the board of registrars or absentee
 796 ballot clerk for at least ~~one year~~ two years."

797 **SECTION 23.**

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

802 "(e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall
 803 ~~open the envelopes and~~ write 'Challenged,' the elector's name, and the alleged cause of
 804 challenge on the ~~back of the ballot, without disclosing the markings on the face thereof,~~
 805 outer envelope and shall deposit the ballot in ~~the~~ a secure, sealed ballot box; and it shall be
 806 counted as other challenged ballots are counted. Where direct recording electronic voting
 807 systems are used for absentee balloting and a challenge to an elector's right to vote is made
 808 prior to the time that the elector votes, the elector shall vote on a paper or optical scanning

809 ballot and such ballot shall be handled as provided in this subsection. The board of
810 registrars or absentee ballot clerk shall promptly notify the elector of such challenge."

811 **SECTION 24.**

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

815 "21-2-411.

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

821 **SECTION 25.**

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

824 "(e) No elector person shall use photographic or other electronic monitoring or recording
825 devices, cameras, or cellular telephones while such elector person is within the enclosed
826 space in a polling place while voting is taking place; provided, however, that a poll
827 manager, in his or her discretion, may allow the use of photographic devices in the polling
828 place under such conditions and limitations as the election superintendent finds
829 appropriate, and provided, further, that no photography shall be allowed of a ballot or the
830 face of a voting machine or DRE unit while an elector is voting such ballot or machine or
831 DRE unit and no photography shall be allowed of an electors list, electronic electors list,
832 or the use of an electors list or electronic electors list. This subsection shall not prohibit
833 the use of photographic or other electronic monitoring or recording devices, cameras, or
834 cellular telephones by poll officials for official purposes."

835 **SECTION 26.**

836 Said chapter is further amended by revising subsection (c) of Code Section 21-2-414, relating
837 to restrictions on campaign activities and public opinion polling within the vicinity of a
838 polling place, cellular phone use prohibited; prohibition of candidates from entering certain
839 polling places, and penalty, as follows:

840 "~~(c) No person shall use a cellular telephone or other electronic communication device~~
841 ~~once such person has been issued a ballot or, in the case of precincts using voting machines~~
842 ~~or electronic recording voting systems, once the person has entered the voting machine or~~

843 ~~voting enclosure or booth. This subsection shall not prohibit the use of cellular telephones~~
 844 ~~by poll officials~~ Reserved."

845 **SECTION 27.**

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

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

861 **SECTION 28.**

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

864 "(d) Before leaving the voting compartment, the elector shall fold his or her ballot, without
 865 displaying the markings thereon, in the same way it was folded when received by him or
 866 her; and he or she shall then leave the compartment and exhibit the number strip of the
 867 ballot to a poll officer who shall ascertain by an inspection of the number appearing thereon
 868 whether the ballot so exhibited to him or her is the same ballot which the elector received
 869 before entering the voting compartment. If it is the same, the poll officer shall direct the
 870 elector, without unfolding the ballot, to remove the perforated portion containing the
 871 number, and the elector shall immediately deposit the ballot in the ballot box. The number
 872 strip shall be deposited in the stub box provided for such purpose and the number strips
 873 shall be retained with the ballots and other stubs. ~~If the ballot is marked 'Challenged,' the~~
 874 ~~numbered perforated portion shall not be removed and the ballot shall be deposited with~~
 875 ~~it attached.~~ Any ballot, other than one ~~marked 'Challenged,'~~ which has been challenged for
 876 cause under Code Section 21-2-230, deposited in a ballot box at any primary or election
 877 without having such number removed shall be void and shall not be counted."

878 **SECTION 29.**

879 Said chapter is further amended by revising Code Section 21-2-492, relating to computation
 880 and canvassing of returns, notice of when and where returns will be computed and canvassed,
 881 blank forms for making statements of returns, and swearing of assistants, as follows:

882 "21-2-492.

883 The superintendent shall arrange for the computation and canvassing of the returns of votes
 884 cast at each primary and election at his or her office or at some other convenient public
 885 place at the county seat or municipality with accommodations for those present insofar as
 886 space permits. An interested candidate or his or her representative shall be permitted to
 887 keep or check his or her own computation of the votes cast in the several precincts as the
 888 returns from the same are read, as directed in this article. The superintendent shall give at
 889 least one week's notice prior to the primary or election by publishing same in a conspicuous
 890 place in the ~~county courthouse or city hall~~ superintendent's office, of the time and place
 891 when and where he or she will commence and hold his or her sessions for the computation
 892 and canvassing of the returns; and he or she shall keep copies of such notice posted in his
 893 or her office during such period. The superintendent shall procure a sufficient number of
 894 blank forms of returns made out in the proper manner and headed as the nature of the
 895 primary or election may require, for making out full and fair statements of all votes which
 896 shall have been cast within the county or any precinct therein, according to the returns from
 897 the several precincts thereof, for any person voted for therein, or upon any question voted
 898 upon therein. The assistants of the superintendent in the computation and canvassing of
 899 the votes shall be first sworn by the superintendent to perform their duties impartially and
 900 not to read, write, count, or certify any return or vote in a false or fraudulent manner."

901 **SECTION 30.**

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

905 "(c) Each county and municipal superintendent shall, upon certification, furnish to the
 906 Secretary of State in a manner determined by the Secretary of State a final copy of each
 907 ballot used for such primary."

908 **SECTION 31.**

909 Said chapter is further amended by revising paragraph (1) of subsection (a) of Code
 910 Section 21-2-496, relating to preparation and filing by superintendent of four copies of
 911 consolidated return of primary and electronic filing, as follows:

912 "(1) One copy to be posted at the ~~county courthouse or, in the case of a municipal~~
 913 ~~election, at the city hall~~ office of the election superintendent for the information of the
 914 public;"

915 **SECTION 32.**

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

918 "21-2-497.

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

923 (1) One copy to be posted at the ~~county courthouse or, in the case of a municipal~~
 924 ~~election, at the city hall~~ office of the election superintendent for the information of the
 925 public;

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

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

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

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

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

942 (C) In the case of elections on constitutional amendments, the returns shall be certified
 943 immediately to the Secretary of State. Upon receiving the certified returns from the
 944 various superintendents, the Secretary of State shall immediately proceed to canvass
 945 and tabulate the votes cast on such amendments and certify the results to the Governor;
 946 and

947 (D) In the case of election for presidential electors, a separate return shall be prepared
 948 by each superintendent and certified immediately to the Secretary of State.
 949 (b) Each county and municipal superintendent shall, upon certification, furnish to the
 950 Secretary of State in a manner determined by the Secretary of State a final copy of each
 951 ballot used for such election."

952 **SECTION 33.**

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

956 "21-2-499.

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

968 (b) The Secretary of State shall also, upon receiving the certified returns for presidential
 969 electors, proceed to tabulate, compute, and canvass the votes cast for each slate of
 970 presidential electors and shall immediately lay them before the Governor. Not later than
 971 5:00 P.M. on the fourteenth day following the date on which such election was conducted,
 972 the Secretary of State shall certify the votes cast for all candidates described in
 973 subparagraph ~~(A) of paragraph (4)~~ (a)(4)(A) of Code Section 21-2-497 and upon all
 974 questions voted for by the electors of more than one county and shall no later than that
 975 same time lay the returns for presidential electors before the Governor. The Governor shall
 976 enumerate and ascertain the number of votes for each person so voted and shall certify the
 977 slates of presidential electors receiving the highest number of votes. The Governor shall
 978 certify the slates of presidential electors no later than 5:00 P.M. on the fifteenth day
 979 following the date on which such election was conducted. Notwithstanding the deadlines
 980 specified in this Code section, such times may be altered for just cause by an order of a
 981 judge of superior court of this state.

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

985 **SECTION 34.**

986 Said chapter is further amended by repealing Code Section 21-2-501.1, relating to timing
 987 whenever a municipal general primary is held in conjunction with the general primary in
 988 even-numbered years, in its entirety.

989 **SECTION 35.**

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

992 "(b) At least 29 days shall intervene between the call of a special primary and the holding
 993 of same, and at least 29 days shall intervene between the call of a special election and the
 994 holding of same. The period during which candidates may qualify to run in a special
 995 primary or a special election shall remain open for a minimum of two and one-half days.
 996 Special elections which are to be held in conjunction with the presidential preference
 997 primary, a state-wide general primary, or state-wide general election shall be called at least
 998 90 days prior to the date of such presidential preference primary, state-wide general
 999 primary, or state-wide general election; provided, however, that this requirement shall not
 1000 apply to special elections held on the same date as such presidential preference primary,
 1001 state-wide general primary, or state-wide general election but conducted completely
 1002 separate and apart from such state-wide general primary or state-wide general election
 1003 using different ballots or voting equipment, facilities, poll workers, and paperwork."

1004 "(e) Candidates in special elections for partisan offices shall be listed alphabetically on the
 1005 ballot ~~according to~~ and may choose to designate on the ballot their party affiliation. The
 1006 party affiliation selected by a candidate shall not be changed following the close of
 1007 qualifying."

1008 **SECTION 36.**

1009 Said chapter is further amended by revising subparagraph (c)(1)(B) of Code
 1010 Section 21-2-540, relating to the conduct of special elections, as follows:

1011 "(B) In even-numbered years, any such special election shall only be held on:

1012 (i) The third Tuesday in March; provided, however, that in the event that a special
 1013 election is to be held under this provision in a year in which a presidential preference
 1014 primary is to be held, then any such special election shall be held on the date of and
 1015 in conjunction with the presidential preference primary;

- 1016 (ii) The date of the general primary; or
 1017 ~~(iii) The third Tuesday in September; or~~
 1018 ~~(iv)~~(iii) The Tuesday after the first Monday in November."

1019 **SECTION 37.**

1020 Said chapter is further amended by revising Code Section 21-2-544, relating to special
 1021 election for General Assembly vacancy, as follows:

1022 "21-2-544.

1023 Whenever a vacancy shall occur or exist in either house of the General Assembly, ~~during~~
 1024 ~~a session of the General Assembly or whenever such vacancy shall occur or exist at a time~~
 1025 ~~when the members of the General Assembly shall be required to meet, at any time previous~~
 1026 ~~to the next November election, the Governor shall issue, within ten days after the~~
 1027 ~~occurrence of such vacancy, or after the calling of an extraordinary session of the General~~
 1028 ~~Assembly during the existence of such vacancy, a writ of election to the Secretary of State~~
 1029 ~~for a special election to fill such vacancy, which election shall be held on the date named~~
 1030 ~~in the writ, which shall not be less than 30 nor more than 60 days after its issuance. such~~
 1031 vacancy shall be filled as follows:

1032 (1) If such vacancy shall occur during a session of the General Assembly, the Governor
 1033 shall issue, within ten days after the occurrence of such vacancy, a writ of election to the
 1034 Secretary of State for a special election to fill such vacancy which shall be held on the
 1035 date named in the writ, which shall not be fewer than 30 nor more than 60 days after its
 1036 issuance;

1037 (2) Except as provided in paragraph (4) of this Code section, if such vacancy shall occur
 1038 after the conclusion of the regular session which is held during the first year of the term
 1039 of office of members of the General Assembly, but more than 60 days prior to the
 1040 Tuesday following the first Monday in November of the first year of the term of office
 1041 of members of the General Assembly, the Governor may issue at any time but no later
 1042 than 60 days prior to the Tuesday following the first Monday in November of the first
 1043 year of the term of office of members of the General Assembly a writ of election to the
 1044 Secretary of State for a special election to fill such vacancy which shall be held not fewer
 1045 than 30 days after its issuance nor later than 60 days prior to the Tuesday following the
 1046 first Monday in November of the first year of the term of office of members of the
 1047 General Assembly;

1048 (3) If such vacancy shall occur after the conclusion of the regular session of the General
 1049 Assembly held during the first year of the term of office of members of the General
 1050 Assembly during the period beginning 60 days prior to the Tuesday following the first
 1051 Monday in November of such year and ending on the day prior to the beginning of the

1052 regular session of the General Assembly held during the second year of the term of office
 1053 of members of the General Assembly, the Governor shall issue, within ten days after the
 1054 occurrence of such vacancy, a writ of election to the Secretary of State for a special
 1055 election to fill such vacancy which shall be held on the date named in the writ, which
 1056 shall not be fewer than 30 nor more than 60 days after its issuance;

1057 (4) If such vacancy shall occur following the election of a member of the General
 1058 Assembly but prior to such member taking office, such vacancy shall be filled in
 1059 accordance with Code Section 21-2-504, but such election shall be called within ten days
 1060 of such vacancy and shall be held not fewer than 30 nor more than 60 days following the
 1061 date of such call;

1062 (5) If such vacancy shall occur following the conclusion of the regular session of the
 1063 General Assembly during the second year of the term of office of members of the General
 1064 Assembly, the issuance of a writ of election to fill such vacancy shall be in the discretion
 1065 of the Governor except as otherwise provided in paragraph (6) of this Code section and
 1066 if the Governor chooses to issue such writ of election to fill such vacancy, such election
 1067 shall be held on the date named in the writ, which shall not be fewer than 30 nor more
 1068 than 60 days after its issuance; or

1069 (6)(A) If such vacancy shall exist at a time when the members of the General
 1070 Assembly shall be required to meet in special session, the Governor shall issue, within
 1071 two days after the calling of an extraordinary session of the General Assembly during
 1072 the existence of such vacancy, a writ of election to the Secretary of State for a special
 1073 election to fill such vacancy which shall be held on the date named in the writ, which
 1074 shall not be fewer than 30 nor more than 60 days after its issuance; or

1075 (B) If such vacancy shall occur after the issuance by the Governor of a call for an
 1076 extraordinary session of the General Assembly, but prior to the conclusion of such
 1077 extraordinary session, the Governor shall issue, within five days after the occurrence
 1078 of such vacancy, a writ of election to the Secretary of State for a special election to fill
 1079 such vacancy which shall be held on the date named in the writ, which shall not be
 1080 fewer than 30 nor more than 60 days after its issuance.

1081 Upon receiving the writ of election from the Governor, the Secretary of State shall then
 1082 transmit the writ of election to the superintendent of each county involved and shall publish
 1083 the call of the election. ~~In all other cases any such special election to fill any such vacancy~~
 1084 ~~shall be held if the Governor issues his or her writ of election therefor. In such cases the~~
 1085 ~~writ of election shall be issued to the Secretary of State who shall transmit the writ of~~
 1086 ~~election to the superintendent of each county involved and shall publish the call of the~~
 1087 ~~election."~~

1088

SECTION 38.

1089 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
1090 is amended by revising paragraph (6) of subsection (f) of Code Section 40-5-2, relating to
1091 driving records, as follows:

1092 "(6)(A) The information required to be made available regarding voter registration
1093 pursuant to Code ~~Section~~ Sections 21-2-221 and 21-2-221.2 and for the purposes set
1094 forth in such Code ~~section~~ sections; and

1095 (B) Information sufficient for use in verifying a registered voter's identity or the
1096 identity of an applicant for voter registration by the Secretary of State, the county
1097 election superintendent, or the county registrar, including name, address, date of birth,
1098 gender, driver identification number, photograph, and signature; and"

1099

SECTION 39.

1100 All laws and parts of laws in conflict with this Act are repealed.