

Senate Bill 92

By: Senators McKoon of the 29th, Williams of the 19th, Bethel of the 54th, Staton of the 18th, Ligon, Jr. of the 3rd and others

AS PASSED

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 short titles for certain
 14 questions; to provide for the manner of storing certain election records and data; to provide
 15 for the time by which absentee ballots shall be available prior to a primary or election; to
 16 limit the use of certain electronic devices and photographic devices in polling places; to
 17 provide that election superintendents shall furnish the Secretary of State copies of ballots
 18 used in elections; to provide for the timing of the call for special elections to be held in
 19 conjunction with the presidential preference primary; to provide for the manner of filling
 20 vacancies in the General Assembly; to provide for certain manner of use of provisional and
 21 challenged ballots; to provide alternative dates for political body and independent candidates
 22 to qualify for office; to provide an exemption for incumbents from filing nomination
 23 petitions; to provide that the State Election Board shall prescribe the form of nomination
 24 petitions; to provide for nonpartisan municipal qualifying periods; to provide for municipal
 25 qualifying times in even-numbered years; to provide for reopening of qualifying periods
 26 under certain circumstances; to provide that an absentee ballot may be used to update an
 27 elector's name under certain circumstances; to remove the authorization for political parties
 28 to elect their officials in primaries; to provide that nonpartisan elections for members of
 29 consolidated governments shall be considered county elections and not municipal elections;

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

43 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

44 **SECTION 1.**

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

48 "21-2-9.

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

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

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

65 (d) Whenever a municipal general primary or election is held in conjunction with the
 66 general primary or November general election in even-numbered years, the time specified
 67 for the closing of the registration list, the time within which candidates must qualify for the
 68 municipal primary or election, and the time specified for the holding of any runoff
 69 necessary shall be the same as specified for general elections."

70 **SECTION 2.**

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

74 "21-2-40.

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

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

84 **SECTION 3.**

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

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

93 (b) The General Assembly may by local Act create a joint county-municipal board of
 94 elections and registration in any county of this state for that county and any municipality
 95 located wholly or partially within that county and empower the board with the powers and
 96 duties of the election superintendent of that county and municipality with regard to the
 97 conduct of primaries and elections and empower the board with the powers and duties of
 98 the registrars and board of registrars of that municipality and county with regard to the

99 registration of voters and absentee-balloting procedures. Such board shall consist of not
 100 fewer than three members."

101 **SECTION 4.**

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

104 "21-2-90.

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

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

119 **SECTION 5.**

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

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

129 (1) Each candidate for the office of judge of the superior court, Judge of the Court of
 130 Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his
 131 or her name placed on the nonpartisan election ballot shall file a notice of candidacy,
 132 giving his or her name, residence address, and the office sought, in the office of the
 133 Secretary of State no earlier than 9:00 A.M. on the fourth Monday in April immediately

134 prior to the election and no later than 12:00 Noon on the Friday following the fourth
 135 Monday in April, notwithstanding the fact that any such days may be legal holidays; and
 136 (2) Each candidate for a county judicial office, a local school board office, or an office
 137 of a consolidated government, or the candidate's agent, desiring to have his or her name
 138 placed on the nonpartisan election ballot shall file notice of candidacy in the office of the
 139 superintendent no earlier than 9:00 A.M. on the fourth Monday in April immediately
 140 prior to the election and no later than 12:00 Noon on the Friday following the fourth
 141 Monday in April, notwithstanding the fact that any such days may be legal holidays; and
 142 (3) Each candidate for a nonpartisan municipal office or a designee shall file a notice of
 143 candidacy in the office of the municipal superintendent of such candidate's municipality
 144 during the municipality's nonpartisan qualifying period. Each municipal superintendent
 145 shall designate the days of such qualifying period, which shall be no less than three days
 146 and no more than five days. The days of the qualifying period shall be consecutive days.
 147 Nonpartisan qualifying periods shall commence no earlier than 8:30 A.M. on the last
 148 Monday in August immediately preceding the general election and shall end no later than
 149 4:30 P.M. on the following Friday; and, in the case of a special election, the municipal
 150 nonpartisan qualifying period shall commence no earlier than the date of the call and shall
 151 end no later than 25 days prior to the election; and
 152 (4) In any case where an incumbent has filed notice of candidacy and paid the prescribed
 153 qualifying fee in a nonpartisan election to succeed himself or herself in office but
 154 withdraws as a candidate for such office prior to the close of the applicable qualifying
 155 period prescribed in this subsection, qualifying for candidates other than such incumbent
 156 shall be reopened at 9:00 A.M. on the Monday next following the close of the preceding
 157 qualifying period and shall cease at 5:00 P.M. on the Tuesday immediately following
 158 such reopening, notwithstanding the fact that any such days may be legal holidays.

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

164 (1) Each candidate for federal or state office, or his or her agent, desiring to have his or
 165 her name placed on the election ballot shall file a notice of his or her candidacy, giving
 166 his or her name, residence address, and the office he or she is seeking, in the office of the
 167 Secretary of State either during the period beginning at 9:00 A.M. on the fourth Monday
 168 in April immediately prior to the election and ending at 12:00 Noon on the Friday
 169 following the fourth Monday in April, notwithstanding the fact that any such days may
 170 be legal holidays, or during the period beginning at ~~no earlier than~~ 9:00 A.M. on the

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

176 (2) Each candidate for a county office, or his or her agent, desiring to have his or her
 177 name placed on the election ballot shall file notice of his or her candidacy in the office
 178 of the superintendent of his or her county either during the period beginning at 9:00 A.M.
 179 on the fourth Monday in April immediately prior to the election and ending at 12:00
 180 Noon on the Friday following the fourth Monday in April, notwithstanding the fact that
 181 any such days may be legal holidays, or during the period beginning at no earlier than
 182 9:00 A.M. on the fourth Monday in June immediately prior to the election and no later
 183 than ending at 12:00 Noon on the Friday following the fourth Monday in June,
 184 notwithstanding the fact that any such days may be legal holidays, in the case of a general
 185 election and no earlier than the date of the call of the election and no later than 25 days
 186 prior to the election in the case of a special election;

187 (3) Each candidate for municipal office or a designee shall file a notice of candidacy in
 188 the office of the municipal superintendent of such candidate's municipality during the
 189 municipality's qualifying period. Each municipal superintendent shall designate the days
 190 of the qualifying period, which shall be no less than three days and no more than five
 191 days. The days of the qualifying period shall be consecutive days. Qualifying periods
 192 shall commence no earlier than 8:30 A.M. on the last Monday in August immediately
 193 preceding the general election and shall end no later than 4:30 P.M. on the following
 194 Friday; and, in the case of a special election, the municipal qualifying period shall
 195 commence no earlier than the date of the call and shall end no later than 25 days prior to
 196 the election; and

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

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

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

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

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

215 (e) Except as provided in subsection (i) of this Code section, each candidate required to
 216 file a notice of candidacy by this Code section shall, no earlier than 9:00 A.M. on the fourth
 217 Monday in June immediately prior to the election and no later than 12:00 Noon on the
 218 second Tuesday in July immediately prior to the election, file with the same official with
 219 whom he or she filed his or her notice of candidacy a nomination petition in the form
 220 prescribed in Code Section 21-2-170, except that such petition shall not be required if such
 221 candidate is:

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

225 (2) Seeking office in a special election;

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

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

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

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

238 (1) A qualifying petition of a candidate seeking an office which is voted upon state wide
 239 shall be signed by a number of voters equal to one-fourth of 1 percent of the total number
 240 of registered voters eligible to vote in the last election for the filling of the office the
 241 candidate is seeking and the signers of such petition shall be registered and eligible to
 242 vote in the election at which such candidate seeks to be elected. A qualifying petition of

243 a candidate for any other office shall be signed by a number of voters equal to 1 percent
 244 of the total number of registered voters eligible to vote in the last election for the filling
 245 of the office the candidate is seeking and the signers of such petition shall be registered
 246 and eligible to vote in the election at which such candidate seeks to be elected. However,
 247 in the case of a candidate seeking an office for which there has never been an election or
 248 seeking an office in a newly constituted constituency, the percentage figure shall be
 249 computed on the total number of registered voters in the constituency who would have
 250 been qualified to vote for such office had the election been held at the last general
 251 election and the signers of such petition shall be registered and eligible to vote in the
 252 election at which such candidate seeks to be elected;

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

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

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

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

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

273 (3) A qualifying petition shall be in the form and manner determined by the Secretary
 274 of State and approved by the State Elections Board ~~on one or more sheets of uniform size~~
 275 ~~and different sheets must be used by signers resident in different counties. The upper~~
 276 ~~portion of each sheet, prior to being signed by any petitioner, shall bear the name and title~~
 277 ~~of the officer with whom the petition will be filed, the name of the candidate to be~~
 278 ~~supported by the petition, his or her profession, business, or occupation, if any, his or her~~
 279 ~~place of residence with street and number, if any, the name of the office he or she is~~

280 ~~seeking, his or her political party or body affiliation, if any, and the name and date of the~~
 281 ~~election in which the candidate is seeking election. If more than one sheet is used, they~~
 282 ~~shall be bound together when offered for filing if they are intended to constitute one~~
 283 ~~qualifying petition, and each sheet shall be numbered consecutively, beginning with~~
 284 ~~number one, at the foot of each page. Each sheet shall bear on the bottom or back thereof~~
 285 ~~the affidavit of the circulator of such sheet, which affidavit must be subscribed and sworn~~
 286 ~~to by such circulator before a notary public and shall set forth:~~

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

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

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

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

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

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

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

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

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

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

323 (B) Each candidate for a county judicial office, a local school board office, or an office
 324 of a consolidated government, or the candidate's agent, desiring to have his or her name
 325 placed on the nonpartisan election ballot shall file a notice of candidacy in the office
 326 of the superintendent at the same time as candidates for party nomination in the general
 327 primary as provided in paragraph (1) of subsection (c) of Code Section 21-2-153,
 328 notwithstanding the fact that any such days may be legal holidays; and

329 (C) In any case where an incumbent has filed notice of candidacy and paid the
 330 prescribed qualifying fee in a nonpartisan election to succeed himself or herself in
 331 office but withdraws as a candidate for such office prior to the close of the applicable
 332 qualifying period prescribed in this paragraph, qualifying for candidates other than such
 333 incumbent shall be reopened at 9:00 A.M. on the Monday next following the close of
 334 the preceding qualifying period and shall cease at 5:00 P.M. on the Tuesday
 335 immediately following such reopening, notwithstanding the fact that any such days may
 336 be legal holidays;

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

341 (A) Each candidate for federal or state office, or his or her agent, desiring to have his
 342 or her name placed on the general election ballot shall file a notice of his or her
 343 candidacy, giving his or her name, residence address, and the office he or she is
 344 seeking, in the office of the Secretary of State ~~no earlier than~~ either during the period
 345 beginning at 9:00 A.M. on the Wednesday immediately following the third Monday in
 346 May immediately prior to such election and ending at 12:00 Noon on the Friday
 347 immediately following the Wednesday immediately following the third Monday in
 348 May, notwithstanding the fact that any such days may be legal holidays, or during the
 349 period beginning at 9:00 A.M. on the last Monday in July immediately prior to the
 350 election and ~~no later than~~ ending at 12:00 Noon on the Friday following the last
 351 Monday in July, notwithstanding the fact that any such days may be legal holidays; and

352 (B) Each candidate for a county office, or his or her agent, desiring to have his or her
 353 name placed on the general election ballot shall file notice of his or her candidacy in the
 354 office of the superintendent of his or her county ~~no earlier than~~ either during the period
 355 beginning at 9:00 A.M. on the Wednesday immediately following the third Monday in
 356 May immediately prior to such election and ending at 12:00 Noon on the Friday
 357 immediately following the Wednesday immediately following the third Monday in
 358 May, notwithstanding the fact that any such days may be legal holidays, or during the
 359 period beginning at 9:00 A.M. on the last Monday in July immediately prior to the
 360 election and ~~no later than~~ ending at 12:00 Noon on the Friday following the last
 361 Monday in July, notwithstanding the fact that any such days may be legal holidays; and
 362 (3) Candidates required to file nomination petitions under subsection (e) of this Code
 363 section shall file such petitions not earlier than 9:00 A.M. on the fourth Monday in July
 364 immediately prior to the general election and not later than 12:00 Noon on the first
 365 Monday in August immediately prior to the general election."

366 SECTION 6.

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

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

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

383 (3) The municipal election superintendent shall certify within five days following the
 384 deadline for the submission by write-in candidates for municipal offices of the notice and
 385 documentation required by this Code section to be a write-in candidate in a general or
 386 special election the names of all persons who have filed notices of intention to be write-in

387 candidates with the municipal election superintendent for municipal offices for such
 388 general or special election."

389 **SECTION 7.**

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

393 "(e) The qualifying fee shall be returned to the candidate in the event such candidate
 394 withdraws, dies, or is disqualified prior to the close of the qualifying period; however, after
 395 the close of the qualifying period, the qualifying fee shall not be returned to the candidate
 396 for any reason including withdrawal, death, or disqualification; provided, however, that,
 397 if such disqualification is the result of an error or negligence of the officer with whom such
 398 candidate qualified and not the result of any action of the candidate and such error or
 399 negligence is verified in writing by the Secretary of State, such fee may be refunded to the
 400 candidate."

401 **SECTION 8.**

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

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

409 **SECTION 9.**

410 Said chapter is further amended by revising subsection (a) of Code Section 21-2-139, relating
 411 to the authorization and conduct of nonpartisan elections, as follows:

412 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General
 413 Assembly may provide by local Act for the election in nonpartisan elections of candidates
 414 to fill county judicial offices, offices of local school boards, and offices of consolidated
 415 governments which are filled by the vote of the electors of said county or political
 416 subdivision. Except as otherwise provided in this Code section, the procedures to be
 417 employed in such nonpartisan elections shall conform as nearly as practicable to the
 418 procedures governing nonpartisan elections as provided in this chapter. Except as
 419 otherwise provided in this Code section, the election procedures established by any existing
 420 local law which provides for the nonpartisan election of candidates to fill county offices

421 shall conform to the general procedures governing nonpartisan elections as provided in this
 422 chapter, and such nonpartisan elections shall be conducted in accordance with the
 423 applicable provisions of this chapter, notwithstanding the provisions of any existing local
 424 law. For those offices for which the General Assembly, pursuant to this Code section,
 425 provided by local Act for election in nonpartisan primaries and elections, such offices shall
 426 no longer require nonpartisan primaries. Such officers shall be elected in nonpartisan
 427 elections held and conducted in conjunction with the general primary in even-numbered
 428 years in accordance with this chapter without a prior nonpartisan primary. This Code
 429 section shall apply to all nonpartisan elections for members of consolidated governments.
 430 All nonpartisan elections for members of consolidated governments shall be governed by
 431 the provisions of this Code section and shall be considered county elections and not
 432 municipal elections for the purposes of this Code section. Nonpartisan elections for
 433 municipal offices shall be conducted on the dates provided in the municipal charter."

434

SECTION 10.

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

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

444 (1) A qualifying petition of a candidate seeking an office which is voted upon state wide
 445 shall be signed by a number of voters equal to one-fourth of 1 percent of the total number
 446 of registered voters eligible to vote in the last election for the filling of the office the
 447 candidate is seeking and the signers of such petition shall be registered and eligible to
 448 vote in the election at which such candidate seeks to be elected. A qualifying petition of
 449 a candidate for any other office shall be signed by a number of voters equal to 1 percent
 450 of the total number of registered voters eligible to vote in the last election for the filling
 451 of the office the candidate is seeking and the signers of such petition shall be registered
 452 and eligible to vote in the election at which such candidate seeks to be elected. However,
 453 in the case of a candidate seeking an office for which there has never been an election or
 454 seeking an office in a newly constituted constituency, the percentage figure shall be
 455 computed on the total number of registered voters in the constituency who would have
 456 been qualified to vote for such office had the election been held at the last general

457 election and the signers of such petition shall be registered and eligible to vote in the
458 election at which such candidate seeks to be elected;

459 (2) Each person signing a qualifying petition shall declare therein that he or she is a duly
460 qualified and registered elector of the state entitled to vote in the next election for the
461 filling of the office sought by the candidate supported by the petition and shall add to his
462 or her signature his or her residence address, giving municipality, if any, and county, with
463 street and number, if any. No person shall sign the same petition more than once. Each
464 petition shall support the candidacy of only a single candidate. A signature shall be
465 stricken from the petition when the signer so requests prior to the presentation of the
466 petition to the appropriate officer for filing, but such a request shall be disregarded if
467 made after such presentation. Each sheet shall bear on the bottom or back thereof the
468 affidavit of the circulator of such sheet, setting forth:

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

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

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

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

478 (3) A qualifying petition shall be in the form and manner determined by the Secretary
479 of State and approved by the State Elections Board on one or more sheets of uniform size
480 and different sheets must be used by signers resident in different counties. The upper
481 portion of each sheet, prior to being signed by any petitioner, shall bear the name and title
482 of the officer with whom the petition will be filed, the name of the candidate to be
483 supported by the petition, his or her profession, business, or occupation, if any, his or her
484 place of residence with street and number, if any, the name of the office he or she is
485 seeking, his or her political party or body affiliation, if any, and the name and date of the
486 election in which the candidate is seeking election. If more than one sheet is used, they
487 shall be bound together when offered for filing if they are intended to constitute one
488 qualifying petition, and each sheet shall be numbered consecutively, beginning with
489 number one, at the foot of each page. Each sheet shall bear on the bottom or back thereof
490 the affidavit of the circulator of such sheet, setting forth:

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

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

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

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

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

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

505 "(c)(1)(A) In the case of a general state or county primary, the candidates or their
 506 agents shall commence qualifying at 9:00 A.M. on the fourth Monday in April
 507 immediately prior to the state or county primary and shall cease qualifying at 12:00
 508 Noon on the Friday following the fourth Monday in April, notwithstanding the fact that
 509 any such days may be legal holidays; ~~provided, however, that, in,~~

510 (B) In the case of a general primary held in the even-numbered year immediately
 511 following the official release of the United States decennial census data to the states for
 512 the purpose of redistricting of the legislatures and the United States House of
 513 Representatives; ~~the;~~

514 (i) The candidates or their agents for political party nomination to county offices shall
 515 commence qualifying at 9:00 A.M. on the Wednesday immediately following the
 516 third Monday in May immediately prior to such primary and shall cease qualifying
 517 at 12:00 Noon on the Friday immediately following the Wednesday immediately
 518 following the third Monday in May, notwithstanding the fact that any such days may
 519 be legal holidays; ~~and provided, further, that candidates; and~~

520 (ii) Candidates for political party nomination to federal and state offices in a general
 521 primary shall commence qualifying at 9:00 A.M. on the Wednesday immediately
 522 following the third Monday in May immediately prior to such primary and shall cease
 523 qualifying at 12:00 Noon on the Friday immediately following the Wednesday
 524 immediately following the third Monday in May, notwithstanding the fact that any
 525 such days may be legal holidays, and shall qualify in person or by their agents with
 526 their respective political party in the state capitol under such rules and regulations as
 527 the Secretary of State may promulgate ~~and provided, further, that all.~~ All qualifying
 528 for federal and state offices on the last day of the qualifying period shall be conducted
 529 in the chamber of the House of Representatives in the state capitol.

530 (C) In the case of a special primary, the candidate shall qualify no earlier than the date
 531 of the call for the special primary and no later than 25 days immediately prior to the
 532 date of such primary, and such qualifying period shall be open for a minimum of two
 533 and one-half days.

534 (D) In any case where an incumbent has qualified as a candidate to succeed himself or
 535 herself in office but withdraws as a candidate for such office prior to the close of the
 536 applicable qualifying period prescribed in this paragraph, qualifying for candidates
 537 other than such incumbent shall be reopened at 9:00 A.M. on the Monday next
 538 following the close of the preceding qualifying period and shall cease at 5:00 P.M. on
 539 the Tuesday immediately following such reopening, notwithstanding the fact that any
 540 such days may be legal holidays."

541 **SECTION 11.**

542 Said chapter is further amended by revising Code Section 21-2-155, relating to reopening of
 543 qualification for office in the event of a candidate's death prior to a political party primary,
 544 as follows:

545 "21-2-155.

546 In the event of the death of a candidate or the withdrawal of an incumbent who qualified
 547 as a candidate to succeed himself or herself in office, either of which occurs after the close
 548 of qualifying for candidates for such office but prior to the date of a political party primary,
 549 the state executive committee or other committee of the party authorized by party rule or,
 550 in the case of a municipal election, the municipal executive committee may reopen
 551 qualification for the office sought by the deceased or withdrawn candidate for a period of
 552 not less than one nor more than three days."

553 **SECTION 12.**

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

557 "(a) Members of the board of registrars shall be electors of the state and county in which
 558 they serve, and any deputy registrars shall be electors of the state. All registrars shall be
 559 able to read, write, and speak the English language. Municipal registrars shall be registered
 560 Georgia voters and shall be able to read, write, and speak the English language. Registrars
 561 and deputy registrars shall have never been convicted of a felony ~~or of any crime~~ involving
 562 fraud or moral turpitude unless such person's civil rights have been restored and at least ten
 563 years have elapsed from the date of the completion of the sentence without a subsequent
 564 conviction of another felony involving moral turpitude and shall never have been convicted

565 of a crime involving fraud, and the appointing authority shall be authorized to investigate
 566 the applicant's criminal history before making such appointment."

567 **SECTION 13.**

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

571 "(c) In the event that an elector moves to a residence within the county or municipality and
 572 has a different address from the address contained on the person's registration card, it shall
 573 be the duty of such elector to notify the board of registrars of such fact by the fifth Monday
 574 prior to the primary or election in which such elector wishes to vote by submitting the
 575 change of address in writing. The board of registrars shall then correct the elector's record
 576 to reflect the change of address and place the elector in the proper precinct and voting
 577 districts. The board of registrars may accept a properly submitted application for an
 578 absentee ballot for this purpose for electors who move to an address within the county or
 579 municipality which is different from the address contained on the person's registration card.
 580 The board of registrars may also accept a properly submitted application for an absentee
 581 ballot to correct an elector's name on the voter registration list if all necessary information
 582 to complete such a change is included with the application."

583 **SECTION 14.**

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

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

594 **SECTION 15.**

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

597 "(a) Any person desiring to register as an elector shall apply to do so by making
 598 application to a registrar or deputy registrar of such person's county of residence in

599 person, by submission of the federal post card application form as authorized under Code
 600 Section 21-2-219, by making application through the Department of Driver Services as
 601 provided in Code Section 21-2-221, by making application through the Department of
 602 Natural Resources as provided in Code Section 21-2-221.1, by making application online
 603 as provided in Code Section 21-2-221.2, by making application through designated
 604 offices as provided in Code Section 21-2-222, or by making application by mail as
 605 provided in Code Section 21-2-223."

606 **SECTION 16.**

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

608 "21-2-221.2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

653 **SECTION 17.**

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

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

666 (1) If such special primary or special election is held in conjunction with a general
 667 primary, general election, or presidential preference primary, the registration deadline for
 668 such special primary or special election shall be the same as the registration deadline for
 669 the general primary, general election, or presidential preference primary in conjunction
 670 with which the special primary or special election is being conducted; or

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

679 "(c.1) An individual or organization shall promptly transmit all completed voter
 680 registration applications to the Secretary of State or the appropriate board of registrars
 681 within ten days after receiving such application or by the close of registration, whichever
 682 period is earlier. If an individual or organization receives a completed voter registration
 683 application 14 or fewer days before the close of registration, the individual or
 684 organization shall transmit the application to the Secretary of State or the appropriate
 685 board of registrars within 72 hours of the date of the execution of the application or by
 686 midnight on the close of registration, whichever period is earlier."

687 **SECTION 18.**

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

691 "(i) If the challenged elector appears at the polls to vote and it is not practical to conduct
 692 a hearing prior to the close of the polls or if the registrars begin a hearing and subsequently
 693 find that a decision on the challenge cannot be rendered within a reasonable time, the
 694 challenged elector shall be permitted to vote by casting a challenged ballot on the same
 695 type of ballot that is used by the county or municipality for ~~mail-in absentee~~ provisional
 696 ballots. Such challenged ballot shall be sealed in double envelopes as provided in
 697 subsection (a) of Code Section ~~21-2-384~~ 21-2-419 and, after having the word 'Challenged,'
 698 and the elector's name, and the alleged cause of the challenge written across the back of the
 699 outer envelope, the ballot shall be deposited by the person casting such ballot in a secure,
 700 sealed ballot box notwithstanding the fact that the polls may have closed prior to the time
 701 the registrars make such a determination, provided that the elector proceeds to vote
 702 immediately after such determination of the registrars. In such cases, if the challenge is
 703 based upon the grounds that the challenged elector is not qualified to remain on the list of
 704 electors, the registrars shall proceed to finish the hearing prior to the certification of the
 705 consolidated returns of the election by the election superintendent. If the challenge is based
 706 on other grounds, no further action shall be required by the registrars. The election

707 superintendent shall not certify such consolidated returns until such hearing is complete
 708 and the registrars have rendered their decision on the challenge. If the registrars deny the
 709 challenge, the superintendent shall proceed to certify the consolidated returns. If the
 710 registrars uphold the challenge, the name of the challenged elector shall be removed from
 711 the list of electors and the ballot of the challenged elector shall be rejected and not counted
 712 and, if necessary, the returns shall be adjusted to remove any votes cast by such elector.
 713 The elector making the challenge and the challenged elector may appeal the decision of the
 714 registrars in the same manner as provided in subsection (e) of Code Section 21-2-229."

715 **SECTION 19.**

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

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

728 **SECTION 20.**

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

733 "(c) If it appears from the change of address information supplied by the licensees of the
 734 United States Postal Service that an elector whose name appears on the official list of
 735 electors has moved to a different address outside of the boundaries of the county or
 736 municipality in which the elector is presently registered, such elector shall be sent a
 737 confirmation notice as provided in Code Section 21-2-234 at the old address of the elector.
 738 The registrars may also send a confirmation notice to the elector's new address. If the
 739 elector confirms the change of address to an address outside of the ~~boundaries of the county~~
 740 ~~or municipality in which the elector is presently registered~~ State of Georgia, the elector's
 741 name shall be removed from the appropriate list of electors. If the elector confirms the

742 change of address to an address outside of the boundaries of the county or municipality in
 743 which the elector is presently registered, but still within the State of Georgia, the elector's
 744 registration shall be transferred to the new county or municipality. The Secretary of State
 745 or the registrars shall forward the confirmation card to the registrars of the county in which
 746 the elector's new address is located and the registrars of the county of the new address shall
 747 update the voter registration list to reflect the change of address. If the elector responds to
 748 the notice and affirms that the elector has not moved, the elector shall remain on the list of
 749 electors at the elector's current address. If the elector fails to respond to the notice within
 750 30 days after the date of the notice, the elector shall be transferred to the inactive list
 751 provided for in Code Section 21-2-235.

752 (d) Whenever an elector's name is removed from the list of electors by the county
 753 registrars because the elector has furnished in writing to the registrar a residence address
 754 that is located outside of the ~~elector's present county of registration~~ State of Georgia, the
 755 registrars shall notify the elector in writing at the elector's new address that the elector's
 756 name is being deleted from the list of electors ~~for that county and that the elector must~~
 757 ~~reregister in the new county of residence in order to be eligible to vote.~~ The registrars shall
 758 ~~provide the person with the appropriate form for registration at the time of such notice.~~
 759 Whenever an elector's registration is transferred by the county registrars to another county
 760 in this state because the elector has furnished in writing to the registrar a residence address
 761 that is located in this state outside of the elector's present county of registration in
 762 accordance with subsection (c) of this Code section, the registrars of the county of the
 763 elector's former residence shall notify the elector in writing at the elector's new address that
 764 the elector's registration is being transferred to the new address. The registrars of the
 765 county of the elector's new address shall provide the elector with a new registration card
 766 pursuant to Code Section 21-2-226."

767 **SECTION 21.**

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

771 "21-2-236.

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

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

780 (c) All records concerning list maintenance activities under Code Sections 21-2-233 and
 781 21-2-234 shall be maintained for a period of two years and shall be available for public
 782 inspection and copying, except to the extent that such records relate to a declination to
 783 register to vote or to the identity of a voter registration agency through which any particular
 784 elector is registered. Such records shall contain the name and address of all electors to
 785 whom confirmation notices are sent and information concerning whether each such elector
 786 has responded to such notice.

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

790 **SECTION 22.**

791 Said chapter is further amended by revising subsection (f) of Code Section 21-2-285, relating
 792 to form of official election ballot, attestation on receipt of benefit in exchange for vote, and
 793 when an election is not required, as follows:

794 "(f) When proposed constitutional amendments or other questions are submitted to a vote
 795 of the electors, each amendment or other question so submitted may be printed upon the
 796 ballot following the groups of candidates for the various offices. Proposed constitutional
 797 amendments so submitted shall be printed in the order determined by the Constitutional
 798 Amendments Publication Board and in brief form as directed by the General Assembly
 799 and, in the event of a failure to so direct, the form shall be determined by the Secretary of
 800 State and shall include the short title or heading provided for in subsection (c) of Code
 801 Section 50-12-101. Unless otherwise provided by law, any other state-wide questions or
 802 questions to be presented to the electors of more than one county so submitted shall be
 803 printed in brief form as directed by the General Assembly and, in the event of a failure to
 804 so direct, the form shall be determined by the Secretary of State and shall include a short
 805 title or heading in bold face at the beginning of each such question on the ballot and any
 806 local questions so submitted shall be printed in brief form as directed by the General
 807 Assembly and, in the event of a failure to so direct, the form shall be determined by the
 808 superintendent."

809 **SECTION 23.**

810 Said chapter is further amended by revising subsection (b) of Code Section 21-2-325, relating
 811 to form of ballot labels generally, as follows:

812 "(b) If the construction of the machine shall require it, the ballot label for each candidate,
 813 group of candidates, political party or body, or question to be voted on shall bear the
 814 designating letter or number of the counter on the voting machine which will register or
 815 record votes therefor. Each question to be voted on shall appear on the ballot labels in brief
 816 form. Unless otherwise provided by law, proposed constitutional amendments so
 817 submitted shall be in brief form as directed by the General Assembly and, in the failure to
 818 so direct, the form shall be determined by the Secretary of State. Unless otherwise
 819 provided by law, any other state-wide questions or questions to be presented to the electors
 820 of more than one county so submitted shall be printed in brief form as directed by the
 821 General Assembly and, in the event of a failure to so direct, the form shall be determined
 822 by the Secretary of State and shall include a short title or heading in bold face at the
 823 beginning of each such question on the ballot and any local questions so submitted shall
 824 be printed in brief form as directed by the General Assembly and, in the event of a failure
 825 to so direct, the form shall be determined by the superintendent. In the case of questions
 826 to be voted on by the electors of a municipality, the governing authority shall determine the
 827 brief form of the questions."

828 **SECTION 24.**

829 Said chapter is further amended by revising subsection (f) of Code Section 21-2-379.5,
 830 relating to ballot information, as follows:

831 "(f) When proposed constitutional amendments or other questions are submitted to a vote
 832 of the electors, each amendment or other question so submitted may be printed upon the
 833 ballot below the groups of candidates for the various offices. Proposed constitutional
 834 amendments so submitted shall be printed in the order determined by the Constitutional
 835 Amendments Publication Board and in brief form as directed by the General Assembly or,
 836 in the event of a failure to so direct, the form shall be determined by the Secretary of State
 837 and shall include the short title or heading provided for in subsection (c) of Code Section
 838 50-12-101. Unless otherwise provided by law, any other state-wide questions or questions
 839 to be presented to the electors of more than one county so submitted shall be printed in
 840 brief form as directed by the General Assembly or, in the event of a failure to so direct, the
 841 form shall be determined by the Secretary of State and shall include a short title or heading
 842 in bold face at the beginning of each such question on the ballot; and any local questions
 843 so submitted shall be printed in brief form as directed by the General Assembly or, in the
 844 event of a failure to so direct, the form shall be determined by the superintendent. Next to
 845 or below the question there shall be placed the words 'YES' and 'NO' between which the
 846 elector may choose in casting his or her vote."

847 **SECTION 25.**

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

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

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

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

868 **SECTION 26.**

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

873 "(a)(1) The superintendent shall, ~~at least 45 days prior to any general primary or general~~
 874 ~~election other than a municipal general primary or general election, as soon as possible~~
 875 ~~prior to a runoff, and at least 21 days prior to any municipal general primary or general~~
 876 ~~election~~ in consultation with the board of registrars or absentee ballot clerk, prepare,
 877 obtain, and deliver before the date specified in paragraph (2) of this subsection an
 878 adequate supply of official absentee ballots to the board of registrars or absentee ballot
 879 clerk for use in the primary or election or as soon as possible prior to a runoff. Envelopes
 880 and other supplies as required by this article may be ordered by the superintendent, the
 881 board of registrars, or the absentee ballot clerk for use in the primary or election.

882 (2) The board of registrars or absentee ballot clerk shall, ~~within two days after the receipt~~
883 ~~of such ballots and supplies,~~ mail or issue official absentee ballots to all eligible
884 applicants not more than 49 days but not less than 45 days prior to any presidential
885 preference primary, general primary other than a municipal general primary, general
886 election other than a municipal general election, or special primary or special election in
887 which there is a candidate for a federal office on the ballot; 22 days prior to any
888 municipal general primary or municipal general election; and as soon as possible prior
889 to any runoff. In the case of all other special primaries or special elections, the board of
890 registrars or absentee ballot clerk shall mail or issue official absentee ballots to all eligible
891 applicants within three days after the receipt of such ballots and supplies, but no earlier
892 than 22 days prior to the election; provided, however, that should any elector of the
893 jurisdiction be permitted to vote by absentee ballot beginning 49 days prior to a primary
894 or election, all eligible applicants of such jurisdiction shall be entitled to vote by absentee
895 ballot beginning 49 days prior to such primary or election. As additional applicants are
896 determined to be eligible, the board or clerk shall mail or issue official absentee ballots
897 to such additional applicants immediately upon determining their eligibility; provided,
898 however, that no absentee ballot shall be mailed by the registrars or absentee ballot clerk
899 on the day prior to a primary or election and provided, further, that no absentee ballot
900 shall be issued on the day prior to a primary or election. The board of registrars shall, at
901 ~~least 45 days prior to any general primary, or general election other than a municipal~~
902 ~~general primary or general election, as soon as possible prior to a runoff, and at least 21~~
903 ~~days prior to any municipal general primary or general election, mail or~~ within the same
904 time periods specified in this subsection, electronically transmit official absentee ballots
905 to all electors who have requested to receive their official absentee ballot electronically
906 and are entitled to vote by such absentee ballot under the federal Uniformed and Overseas
907 Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended.

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

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

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

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

921 **SECTION 27.**

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

926 "(B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the
927 receipt of the ballot on its envelope. The registrar or clerk shall then compare the
928 identifying information on the oath with the information on file in his or her office,
929 shall compare the signature or mark on the oath with the signature or mark on the
930 absentee elector's voter registration card or the most recent update to such absentee
931 elector's voter registration card and application for absentee ballot or a facsimile of said
932 signature or mark taken from said card or application, and shall, if the information and
933 signature appear to be valid and other identifying information appears to be correct, so
934 certify by signing or initialing his or her name below the voter's oath. Each elector's
935 name so certified shall be listed by the registrar or clerk on the numbered list of
936 absentee voters prepared for his or her precinct.

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

945 **SECTION 28.**

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

950 "(e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall
951 ~~open the envelopes and~~ write 'Challenged,' the elector's name, and the alleged cause of
952 challenge on the ~~back of the ballot, without disclosing the markings on the face thereof,~~
953 outer envelope and shall deposit the ballot in ~~the~~ a secure, sealed ballot box; and it shall be

954 counted as other challenged ballots are counted. Where direct recording electronic voting
 955 systems are used for absentee balloting and a challenge to an elector's right to vote is made
 956 prior to the time that the elector votes, the elector shall vote on a paper or optical scanning
 957 ballot and such ballot shall be handled as provided in this subsection. The board of
 958 registrars or absentee ballot clerk shall promptly notify the elector of such challenge."

959 **SECTION 29.**

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

963 "21-2-411.

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

969 **SECTION 30.**

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

972 "(e) No elector person shall use photographic or other electronic monitoring or recording
 973 devices, cameras, or cellular telephones while such elector person is within the enclosed
 974 space in a polling place while voting is taking place; provided, however, that a poll
 975 manager, in his or her discretion, may allow the use of photographic devices in the polling
 976 place under such conditions and limitations as the election superintendent finds
 977 appropriate, and provided, further, that no photography shall be allowed of a ballot or the
 978 face of a voting machine or DRE unit while an elector is voting such ballot or machine or
 979 DRE unit and no photography shall be allowed of an electors list, electronic electors list,
 980 or the use of an electors list or electronic electors list. This subsection shall not prohibit
 981 the use of photographic or other electronic monitoring or recording devices, cameras, or
 982 cellular telephones by poll officials for official purposes."

983 **SECTION 31.**

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

988 ~~"(c) No person shall use a cellular telephone or other electronic communication device~~
 989 ~~once such person has been issued a ballot or, in the case of precincts using voting machines~~
 990 ~~or electronic recording voting systems, once the person has entered the voting machine or~~
 991 ~~voting enclosure or booth. This subsection shall not prohibit the use of cellular telephones~~
 992 ~~by poll officials~~ Reserved."

993 **SECTION 32.**

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

997 "(b) As soon as an elector has been admitted within the enclosed space, the poll officer
 998 having charge of the ballots in precincts in which ballots are used shall detach a ballot from
 999 the stub and give it to the elector, first folding it so that the words and figures printed on
 1000 the face shall not be visible, and no ballots shall be deposited in the ballot box unless
 1001 folded in the same manner. If an elector's right to vote has been challenged for cause under
 1002 Code Section 21-2-230, ~~the poll officer shall write the word 'Challenged' and the alleged~~
 1003 ~~cause of challenge on the back of the ballot~~ elector shall be entitled to vote a challenged
 1004 ballot. Not more than one ballot shall be detached from its stub in any book of ballots at
 1005 any one time. Not more than one ballot shall be given to an elector; but, if an elector
 1006 inadvertently spoils a ballot, such elector may obtain another upon returning the spoiled
 1007 one. The ballots thus returned shall be immediately canceled and at the close of the polls
 1008 shall be enclosed in an envelope, which shall be sealed and returned to the superintendent."

1009 **SECTION 33.**

1010 Said chapter is further amended by revising subsection (d) of Code Section 21-2-435, relating
 1011 to procedure as to marking and depositing of ballots, as follows:

1012 "(d) Before leaving the voting compartment, the elector shall fold his or her ballot, without
 1013 displaying the markings thereon, in the same way it was folded when received by him or
 1014 her; and he or she shall then leave the compartment and exhibit the number strip of the
 1015 ballot to a poll officer who shall ascertain by an inspection of the number appearing thereon
 1016 whether the ballot so exhibited to him or her is the same ballot which the elector received
 1017 before entering the voting compartment. If it is the same, the poll officer shall direct the
 1018 elector, without unfolding the ballot, to remove the perforated portion containing the
 1019 number, and the elector shall immediately deposit the ballot in the ballot box. The number
 1020 strip shall be deposited in the stub box provided for such purpose and the number strips
 1021 shall be retained with the ballots and other stubs. ~~If the ballot is marked 'Challenged,' the~~
 1022 ~~numbered perforated portion shall not be removed and the ballot shall be deposited with~~

1023 ~~it attached.~~ Any ballot, other than one marked 'Challenged,' which has been challenged for
 1024 cause under Code Section 21-2-230, deposited in a ballot box at any primary or election
 1025 without having such number removed shall be void and shall not be counted."

1026 **SECTION 34.**

1027 Said chapter is further amended by revising subsection (h) of Code Section 21-2-480, relating
 1028 to caption for ballots, party designations, and form and arrangement, as follows:

1029 (h) When proposed constitutional amendments or other questions are submitted to a vote
 1030 of the electors, each amendment or other question so submitted may be printed upon the
 1031 ballot below the groups of candidates for the various offices. Proposed constitutional
 1032 amendments so submitted shall be printed in the order determined by the Constitutional
 1033 Amendments Publication Board and in brief form as directed by the General Assembly or,
 1034 in the event of a failure to so direct, the form shall be determined by the Secretary of State
 1035 and shall include the short title or heading provided for in subsection (c) of Code Section
 1036 50-12-101. Unless otherwise provided by law, any other state-wide questions or questions
 1037 to be presented to the electors of more than one county so submitted shall be printed in
 1038 brief form as directed by the General Assembly or, in the event of a failure to so direct, the
 1039 form shall be determined by the Secretary of State and shall include a short title or heading
 1040 in bold face at the beginning of each such question on the ballot; and any local questions
 1041 so submitted shall be printed in brief form as directed by the General Assembly or, in the
 1042 event of a failure to so direct, the form shall be determined by the superintendent. Next to
 1043 the question there shall be placed the words 'YES' and 'NO' together with appropriate ovals
 1044 or squares or broken arrows to be marked."

1045 **SECTION 35.**

1046 Said chapter is further amended by revising Code Section 21-2-492, relating to computation
 1047 and canvassing of returns, notice of when and where returns will be computed and canvassed,
 1048 blank forms for making statements of returns, and swearing of assistants, as follows:

1049 "21-2-492.

1050 The superintendent shall arrange for the computation and canvassing of the returns of votes
 1051 cast at each primary and election at his or her office or at some other convenient public
 1052 place at the county seat or municipality with accommodations for those present insofar as
 1053 space permits. An interested candidate or his or her representative shall be permitted to
 1054 keep or check his or her own computation of the votes cast in the several precincts as the
 1055 returns from the same are read, as directed in this article. The superintendent shall give at
 1056 least one week's notice prior to the primary or election by publishing same in a conspicuous
 1057 place in the ~~county courthouse or city hall~~ superintendent's office, of the time and place

1058 when and where he or she will commence and hold his or her sessions for the computation
 1059 and canvassing of the returns; and he or she shall keep copies of such notice posted in his
 1060 or her office during such period. The superintendent shall procure a sufficient number of
 1061 blank forms of returns made out in the proper manner and headed as the nature of the
 1062 primary or election may require, for making out full and fair statements of all votes which
 1063 shall have been cast within the county or any precinct therein, according to the returns from
 1064 the several precincts thereof, for any person voted for therein, or upon any question voted
 1065 upon therein. The assistants of the superintendent in the computation and canvassing of
 1066 the votes shall be first sworn by the superintendent to perform their duties impartially and
 1067 not to read, write, count, or certify any return or vote in a false or fraudulent manner."

1068 **SECTION 36.**

1069 Said chapter is further amended by revising Code Section 21-2-496, relating to preparation
 1070 and filing by superintendent of four copies of consolidated return of primary and electronic
 1071 filing, by adding a new subsection to read as follows:

1072 "(c) Each county and municipal superintendent shall, upon certification, furnish to the
 1073 Secretary of State in a manner determined by the Secretary of State a final copy of each
 1074 ballot used for such primary."

1075 **SECTION 37.**

1076 Said chapter is further amended by revising paragraph (1) of subsection (a) of Code
 1077 Section 21-2-496, relating to preparation and filing by superintendent of four copies of
 1078 consolidated return of primary and electronic filing, as follows:

1079 "(1) One copy to be posted at the ~~county courthouse or, in the case of a municipal~~
 1080 election, at the city hall office of the election superintendent for the information of the
 1081 public;"

1082 **SECTION 38.**

1083 Said chapter is further amended by revising Code Section 21-2-497, relating to preparation
 1084 and filing by superintendent of four copies of consolidated return of elections, as follows:

1085 "21-2-497.

1086 (a) Each county and municipal superintendent shall prepare four copies of the consolidated
 1087 return of the election to be certified by the superintendent on forms furnished by the
 1088 Secretary of State, such consolidated returns to be filed immediately upon certification as
 1089 follows:

- 1090 (1) One copy to be posted at the ~~county courthouse or, in the case of a municipal~~
 1091 ~~election, at the city hall~~ office of the election superintendent for the information of the
 1092 public;
- 1093 (2) One copy to be filed and recorded as a permanent record in the minutes of the
 1094 superintendent's office;
- 1095 (3) One copy to be sealed and filed with the clerk of the superior court, in the case of a
 1096 county election, or with the city clerk, in the case of a municipal election, as required by
 1097 Code Section 21-2-500; and
- 1098 (4) One copy to be returned immediately to the Secretary of State unless required as
 1099 follows:
- 1100 (A) In the case of election of federal and state officers, a separate return showing totals
 1101 of the votes cast for each of such officers respectively shall be forwarded by the
 1102 superintendent to the Secretary of State on forms furnished by the Secretary of State;
- 1103 (B) In the case of referendum elections provided for by an Act of the General
 1104 Assembly, the returns shall immediately be certified by the authority holding such
 1105 election to the Secretary of State, along with the precinct returns and numbered list of
 1106 voters for each precinct. In addition thereto, the official citation of the Act involved
 1107 and the purpose of such election shall be sent to the Secretary of State at the same time.
 1108 The Secretary of State shall maintain a permanent record of such certifications;
- 1109 (C) In the case of elections on constitutional amendments, the returns shall be certified
 1110 immediately to the Secretary of State. Upon receiving the certified returns from the
 1111 various superintendents, the Secretary of State shall immediately proceed to canvass
 1112 and tabulate the votes cast on such amendments and certify the results to the Governor;
 1113 and
- 1114 (D) In the case of election for presidential electors, a separate return shall be prepared
 1115 by each superintendent and certified immediately to the Secretary of State.
- 1116 (b) Each county and municipal superintendent shall, upon certification, furnish to the
 1117 Secretary of State in a manner determined by the Secretary of State a final copy of each
 1118 ballot used for such election."

1119 SECTION 39.

1120 Said chapter is further amended by revising Code Section 21-2-499, relating to duty of
 1121 Secretary of State as to tabulation, computation, and canvassing of votes for state and federal
 1122 officers and certification of presidential electors by Governor, as follows:

1123 "21-2-499.

- 1124 (a) Upon receiving the certified returns of any election from the various superintendents,
 1125 the Secretary of State shall immediately proceed to tabulate, compute, and canvass the

1126 votes cast for all candidates described in subparagraph ~~(A) of paragraph (4)~~ (a)(4)(A) of
 1127 Code Section 21-2-497 and upon all questions voted for by the electors of more than one
 1128 county and shall thereupon certify and file in his or her office the tabulation thereof. In the
 1129 event an error is found in the certified returns presented to the Secretary of State or in the
 1130 tabulation, computation, or canvassing of votes as described in this Code section, the
 1131 Secretary of State shall notify the county submitting the incorrect returns and direct the
 1132 county to correct and recertify such returns. Upon receipt by the Secretary of State of the
 1133 corrected certified returns of the county, the Secretary of State shall issue a new
 1134 certification of the results and shall file the same in his or her office.

1135 (b) The Secretary of State shall also, upon receiving the certified returns for presidential
 1136 electors, proceed to tabulate, compute, and canvass the votes cast for each slate of
 1137 presidential electors and shall immediately lay them before the Governor. Not later than
 1138 5:00 P.M. on the fourteenth day following the date on which such election was conducted,
 1139 the Secretary of State shall certify the votes cast for all candidates described in
 1140 subparagraph ~~(A) of paragraph (4)~~ (a)(4)(A) of Code Section 21-2-497 and upon all
 1141 questions voted for by the electors of more than one county and shall no later than that
 1142 same time lay the returns for presidential electors before the Governor. The Governor shall
 1143 enumerate and ascertain the number of votes for each person so voted and shall certify the
 1144 slates of presidential electors receiving the highest number of votes. The Governor shall
 1145 certify the slates of presidential electors no later than 5:00 P.M. on the fifteenth day
 1146 following the date on which such election was conducted. Notwithstanding the deadlines
 1147 specified in this Code section, such times may be altered for just cause by an order of a
 1148 judge of superior court of this state.

1149 (c) The Secretary of State shall not count, tabulate, or publish the names of any write-in
 1150 candidates for whom the notice of intention of candidacy has not been provided in
 1151 compliance with Code Section 21-2-133."

1152 **SECTION 40.**

1153 Said chapter is further amended by repealing Code Section 21-2-501.1, relating to timing
 1154 whenever a municipal general primary is held in conjunction with the general primary in
 1155 even-numbered years, in its entirety.

1156 **SECTION 41.**

1157 Said chapter is further amended by revising subsections (b) and (e) of Code
 1158 Section 21-2-540, relating to conduct of special elections generally, as follows:

1159 "(b) At least 29 days shall intervene between the call of a special primary and the holding
 1160 of same, and at least 29 days shall intervene between the call of a special election and the

1161 holding of same. The period during which candidates may qualify to run in a special
 1162 primary or a special election shall remain open for a minimum of two and one-half days.
 1163 Special elections which are to be held in conjunction with the presidential preference
 1164 primary, a state-wide general primary, or state-wide general election shall be called at least
 1165 90 days prior to the date of such presidential preference primary, state-wide general
 1166 primary, or state-wide general election; provided, however, that this requirement shall not
 1167 apply to special elections held on the same date as such presidential preference primary,
 1168 state-wide general primary, or state-wide general election but conducted completely
 1169 separate and apart from such state-wide general primary or state-wide general election
 1170 using different ballots or voting equipment, facilities, poll workers, and paperwork."
 1171 "(e) Candidates in special elections for partisan offices shall be listed alphabetically on the
 1172 ballot ~~according to~~ and may choose to designate on the ballot their party affiliation. The
 1173 party affiliation selected by a candidate shall not be changed following the close of
 1174 qualifying."

1175 SECTION 42.

1176 Said chapter is further amended by revising subparagraph (c)(1)(B) of Code
 1177 Section 21-2-540, relating to the conduct of special elections, as follows:

1178 "(B) In even-numbered years, any such special election shall only be held on:
 1179 (i) The third Tuesday in March; provided, however, that in the event that a special
 1180 election is to be held under this provision in a year in which a presidential preference
 1181 primary is to be held, then any such special election shall be held on the date of and
 1182 in conjunction with the presidential preference primary;
 1183 (ii) The date of the general primary; or
 1184 ~~(iii) The third Tuesday in September; or~~
 1185 ~~(iv)~~(iii) The Tuesday after the first Monday in November."

1186 SECTION 43.

1187 Said chapter is further amended by revising Code Section 21-2-544, relating to special
 1188 election for General Assembly vacancy, as follows:

1189 "21-2-544.
 1190 Whenever a vacancy shall occur or exist in either house of the General Assembly, ~~during~~
 1191 ~~a session of the General Assembly or whenever such vacancy shall occur or exist at a time~~
 1192 ~~when the members of the General Assembly shall be required to meet, at any time previous~~
 1193 ~~to the next November election, the Governor shall issue, within ten days after the~~
 1194 ~~occurrence of such vacancy, or after the calling of an extraordinary session of the General~~
 1195 ~~Assembly during the existence of such vacancy, a writ of election to the Secretary of State~~

1196 ~~for a special election to fill such vacancy, which election shall be held on the date named~~
1197 ~~in the writ, which shall not be less than 30 nor more than 60 days after its issuance. such~~
1198 ~~vacancy shall be filled as follows:~~

1199 (1) If such vacancy shall occur during a session of the General Assembly, the Governor
1200 shall issue, within ten days after the occurrence of such vacancy, a writ of election to the
1201 Secretary of State for a special election to fill such vacancy which shall be held on the
1202 date named in the writ, which shall not be fewer than 30 nor more than 60 days after its
1203 issuance;

1204 (2) Except as provided in paragraph (4) of this Code section, if such vacancy shall occur
1205 after the conclusion of the regular session which is held during the first year of the term
1206 of office of members of the General Assembly, but more than 60 days prior to the
1207 Tuesday following the first Monday in November of the first year of the term of office
1208 of members of the General Assembly, the Governor may issue at any time but no later
1209 than 60 days prior to the Tuesday following the first Monday in November of the first
1210 year of the term of office of members of the General Assembly a writ of election to the
1211 Secretary of State for a special election to fill such vacancy which shall be held not fewer
1212 than 30 days after its issuance nor later than 60 days prior to the Tuesday following the
1213 first Monday in November of the first year of the term of office of members of the
1214 General Assembly;

1215 (3) If such vacancy shall occur after the conclusion of the regular session of the General
1216 Assembly held during the first year of the term of office of members of the General
1217 Assembly during the period beginning 60 days prior to the Tuesday following the first
1218 Monday in November of such year and ending on the day prior to the beginning of the
1219 regular session of the General Assembly held during the second year of the term of office
1220 of members of the General Assembly, the Governor shall issue, within ten days after the
1221 occurrence of such vacancy, a writ of election to the Secretary of State for a special
1222 election to fill such vacancy which shall be held on the date named in the writ, which
1223 shall not be fewer than 30 nor more than 60 days after its issuance;

1224 (4) If such vacancy shall occur following the election of a member of the General
1225 Assembly but prior to such member taking office, such vacancy shall be filled in
1226 accordance with Code Section 21-2-504, but such election shall be called within ten days
1227 of such vacancy and shall be held not fewer than 30 nor more than 60 days following the
1228 date of such call;

1229 (5) If such vacancy shall occur following the conclusion of the regular session of the
1230 General Assembly during the second year of the term of office of members of the General
1231 Assembly, the issuance of a writ of election to fill such vacancy shall be in the discretion
1232 of the Governor except as otherwise provided in paragraph (6) of this Code section and

1233 if the Governor chooses to issue such writ of election to fill such vacancy, such election
 1234 shall be held on the date named in the writ, which shall not be fewer than 30 nor more
 1235 than 60 days after its issuance; or

1236 (6)(A) If such vacancy shall exist at a time when the members of the General
 1237 Assembly shall be required to meet in special session, the Governor shall issue, within
 1238 two days after the calling of an extraordinary session of the General Assembly during
 1239 the existence of such vacancy, a writ of election to the Secretary of State for a special
 1240 election to fill such vacancy which shall be held on the date named in the writ, which
 1241 shall not be fewer than 30 nor more than 60 days after its issuance; or

1242 (B) If such vacancy shall occur after the issuance by the Governor of a call for an
 1243 extraordinary session of the General Assembly, but prior to the conclusion of such
 1244 extraordinary session, the Governor shall issue, within five days after the occurrence
 1245 of such vacancy, a writ of election to the Secretary of State for a special election to fill
 1246 such vacancy which shall be held on the date named in the writ, which shall not be
 1247 fewer than 30 nor more than 60 days after its issuance.

1248 Upon receiving the writ of election from the Governor, the Secretary of State shall then
 1249 transmit the writ of election to the superintendent of each county involved and shall publish
 1250 the call of the election. ~~In all other cases any such special election to fill any such vacancy~~
 1251 ~~shall be held if the Governor issues his or her writ of election therefor. In such cases the~~
 1252 ~~writ of election shall be issued to the Secretary of State who shall transmit the writ of~~
 1253 ~~election to the superintendent of each county involved and shall publish the call of the~~
 1254 ~~election."~~

1255 **SECTION 44.**

1256 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
 1257 is amended by revising paragraph (6) of subsection (f) of Code Section 40-5-2, relating to
 1258 driving records, as follows:

1259 "(6)(A) The information required to be made available regarding voter registration
 1260 pursuant to Code ~~Section~~ Sections 21-2-221 and 21-2-221.2 and for the purposes set
 1261 forth in such Code ~~section~~ sections; and

1262 (B) Information sufficient for use in verifying a registered voter's identity or the
 1263 identity of an applicant for voter registration by the Secretary of State, the county
 1264 election superintendent, or the county registrar, including name, address, date of birth,
 1265 gender, driver identification number, photograph, and signature; and"

1266 **SECTION 45.**

1267 Section 9 of this Act is not intended by the General Assembly to change the effect of existing
1268 law but only to clarify the intent of the General Assembly in enacting the original legislation.

1269 **SECTION 46.**

1270 (a) This section and Sections 5, 10, 11, and 47 of this Act shall become effective upon
1271 approval of this Act by the Governor or upon this Act becoming law without such
1272 approval.

1273 (b) Section 9 of this Act shall become effective on the first date upon which candidates
1274 may begin qualifying for the general primary in 2012; provided, however, that if
1275 implementation of Section 9 is not permissible on such date under the federal Voting
1276 Rights Act of 1965, as amended, then Section 9 shall become effective on January 1, 2013.

1277 (c) All other sections of this Act shall become effective on July 1, 2012.

1278 **SECTION 47.**

1279 All laws and parts of laws in conflict with this Act are repealed.