

Senate Bill 33

By: Senators Fort of the 39th, Seay of the 34th, Tate of the 38th, Sims of the 12th, Butler of the 55th and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to  
2 provide for election by plurality vote; to provide for the date of the general primary; to  
3 amend Article 2 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating  
4 to the great seal of the state, so as to conform certain provisions; to provide for related  
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by  
9 revising paragraph (22) of Code Section 21-2-2, relating to definitions, as follows:

10 "(22) ~~Reserved~~ 'Plurality' means the receiving by one candidate alone of the highest  
11 number of votes cast for eligible candidates in a primary, election, special election, or  
12 special primary among the candidates in such primary, election, special election, or  
13 special primary for the office such candidate is seeking."

14 **SECTION 2.**

15 Said title is further amended by revising subsection (d) of Code Section 21-2-9, relating to  
16 date of election for offices, as follows:

17 "(d) Whenever a municipal general primary or election is held in conjunction with the  
18 general primary or November general election in even-numbered years, the time specified  
19 for the closing of the registration list; and the time within which candidates must qualify  
20 for the municipal primary or election, ~~and the time specified for the holding of any runoff~~  
21 necessary shall be the same as specified for general elections."

22 **SECTION 3.**

23 Said title is further amended by revising paragraph (3) of Code Section 21-2-70, relating to  
24 powers and duties of election superintendents, as follows:

25 "(3) To prepare and publish, in the manner provided by this chapter, all notices and  
26 advertisements, in connection with the conduct of elections, which may be required by

27 law, and to transmit immediately to the Secretary of State a copy of any publication in  
 28 which a call for a special primary; or election; ~~or runoff~~ is issued;".

29 **SECTION 4.**

30 Said title is further amended by revising subsection (d) of Code Section 21-2-132, relating  
 31 to filing notice of candidacy, nomination petition, and affidavit; payment of qualifying fee;  
 32 pauper's affidavit and qualifying petition for exemption from qualifying fee; and military  
 33 service, as follows:

34 "(d) All political body and independent candidates shall file their notice of candidacy and  
 35 pay the prescribed qualifying fee by the date prescribed in this subsection in order to be  
 36 eligible to have their names placed on the election ballot by the Secretary of State or  
 37 election superintendent, as the case may be, in the following manner:

38 (1) Each candidate for federal or state office, or his or her agent, desiring to have his or  
 39 her name placed on the election ballot shall file a notice of his or her candidacy, giving  
 40 his or her name, residence address, and the office he or she is seeking, in the office of the  
 41 Secretary of State either during the period beginning at 9:00 A.M. on the Monday of the  
 42 ~~thirty-fifth~~ eleventh week immediately prior to the ~~election date of the general primary~~  
 43 and ending at 12:00 Noon on the Friday immediately following such Monday,  
 44 notwithstanding the fact that any such days may be legal holidays, or during the period  
 45 beginning at 9:00 A.M. on the fourth Monday in June immediately prior to the election  
 46 and ending at 12:00 Noon on the Friday following the fourth Monday in June,  
 47 notwithstanding the fact that any such days may be legal holidays, in the case of a general  
 48 election. In the case of a special election to fill a federal office, each candidate shall file  
 49 a notice of his or her candidacy, giving his or her name, residence address, and the office  
 50 sought, in the office of the Secretary of State no earlier than the date of the call of the  
 51 special election and no later than 60 days prior to the special election. In the case of a  
 52 special election to fill a state office, each candidate shall file a notice of his or her  
 53 candidacy, giving his or her name, residence address, and the office sought, in the office  
 54 of the Secretary of State no earlier than the date of the call of the special election and no  
 55 later than 25 days prior to the special election;

56 (2) Each candidate for a county office, or his or her agent, desiring to have his or her  
 57 name placed on the election ballot shall file notice of his or her candidacy in the office  
 58 of the superintendent of his or her county either during the period beginning at 9:00 A.M.  
 59 on the Monday of the ~~thirty-fifth~~ eleventh week immediately prior to the ~~election date of~~  
 60 the general primary and ending at 12:00 Noon on the Friday immediately following such  
 61 Monday, notwithstanding the fact that any such days may be legal holidays, or during the  
 62 period beginning at 9:00 A.M. on the fourth Monday in June immediately prior to the

63 election and ending at 12:00 Noon on the Friday following the fourth Monday in June,  
 64 notwithstanding the fact that any such days may be legal holidays, in the case of a general  
 65 election and no earlier than the date of the call of the election and no later than 25 days  
 66 prior to the election in the case of a special election;

67 (3) Each candidate for municipal office or a designee shall file a notice of candidacy in  
 68 the office of the municipal superintendent of such candidate's municipality during the  
 69 municipality's qualifying period. Each municipal superintendent shall designate the days  
 70 of the qualifying period, which shall be no less than three days and no more than five  
 71 days. The days of the qualifying period shall be consecutive days. Qualifying periods  
 72 shall commence no earlier than 8:30 A.M. on the last Monday in August immediately  
 73 preceding the general election and shall end no later than 4:30 P.M. on the following  
 74 Friday; and, in the case of a special election, the municipal qualifying period shall  
 75 commence no earlier than the date of the call and shall end no later than 25 days prior to  
 76 the election; and

77 (4)(A) In extraordinary circumstances as described in Code Section 21-2-543.1, each  
 78 candidate, or his or her agent, desiring to have his or her name placed on the election  
 79 ballot shall file a notice of his or her candidacy, giving his or her name, residence  
 80 address, and the office he or she is seeking, with the ~~Office~~ office of the Secretary of  
 81 State no earlier than the date of the call of the special election and no later than ten days  
 82 after the announcement of such extraordinary circumstances.

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

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

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

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

95 **SECTION 5.**

96 Said title is further amended by revising subsection (c) of Code Section 21-2-133, relating  
 97 to giving notice of intent of write-in candidacy, filing of affidavit, limitations on candidacy,  
 98 and certification of candidates, as follows:

99 "(c) No person shall be eligible as a write-in candidate in a special or general primary, a  
 100 ~~special or general primary runoff, or in a special or general election runoff.~~"

101 **SECTION 6.**

102 Said title is further amended by revising Code Section 21-2-150, relating to date of general  
 103 primary, as follows:

104 "21-2-150.

105 (a) Whenever any political party holds a primary to nominate candidates for public offices  
 106 to be filled in the ensuing November election, such primary shall be held on the third  
 107 ~~Tuesday of the twenty-fourth week prior to the November general election~~ in July in each  
 108 even-numbered year or, in the case of municipalities, on the third Tuesday in July in each  
 109 odd-numbered year, except as provided in subsection (b) of this Code section.

110 (b) Whenever the primary occurs during the same week of the national convention of  
 111 either the political party whose candidates received the highest number of votes or the  
 112 political party whose candidates received the next highest number of votes in the last  
 113 presidential election, the general primary shall be conducted on the second Tuesday in July  
 114 of such year. This subsection shall not apply unless the date of the convention of the  
 115 political party is announced by the political party prior to April 1 of the year in which the  
 116 general primary is conducted."

117 **SECTION 7.**

118 Said title is further amended by repealing in its entirety subsection (c) of Code Section  
 119 21-2-152, relating to conduct of primaries generally and run-off primary.

120 **SECTION 8.**

121 Said title is further amended by revising subsection (f) of Code Section 21-2-153, relating  
 122 to qualification of candidates for party nomination in a state or county primary, posting of  
 123 list of all qualified candidates, filing of affidavit with political party by each qualifying  
 124 candidate, and performance of military service does not create vacancy, as follows:

125 (f) Candidates for the office of presidential elector or their agents who have been  
 126 nominated in accordance with the rules of a political party shall qualify beginning at  
 127 9:00 A.M. on the Monday of the ~~thirty-fifth~~ eleventh week prior to the ~~November general~~  
 128 ~~election~~ date of the general primary in the year in which a presidential election shall be  
 129 held and shall cease qualifying at 12:00 Noon on the Friday immediately following such  
 130 Monday, notwithstanding the fact that any such days may be legal holidays. All qualifying  
 131 for the office of presidential elector shall be conducted in the state capitol."

132

**SECTION 9.**

133 Said title is further amended by revising paragraph (1) of subsection (g) of Code  
 134 Section 21-2-216, relating to qualifications of electors generally, reregistration of electors  
 135 purged from list, eligibility of nonresidents who vote in presidential elections, retention of  
 136 qualification for standing as elector, evidence of citizenship, and check of convicted felons  
 137 and deceased persons databases, as follows:

138 "(g)(1) On and after January 1, 2010, an application for registration under this chapter  
 139 shall be accompanied by satisfactory evidence of United States citizenship. Upon the  
 140 receipt of an application without satisfactory evidence of citizenship, the board of  
 141 registrars shall notify the applicant in writing of the requirement to provide satisfactory  
 142 evidence of citizenship. The board of registrars shall not determine the eligibility of the  
 143 applicant until and unless satisfactory evidence of citizenship is supplied by the applicant.  
 144 If the initial application is received without satisfactory evidence of citizenship prior to  
 145 the close of voter registration preceding an election, but the applicant supplies  
 146 satisfactory evidence of citizenship on or prior to the date of such election and the  
 147 applicant is found eligible to vote, the applicant shall be permitted to vote in the election  
 148 ~~and any run-off elections resulting therefrom~~ and subsequent elections; provided,  
 149 however, that those electors who register to vote for the first time in this state by mail  
 150 also shall supply current and valid identification as required in subsection (c) of Code  
 151 Section 21-2-220. In the event the applicant does not respond to the request for the  
 152 missing information within 30 days following the sending of notification to provide  
 153 satisfactory evidence of citizenship, the application shall be rejected."

154

**SECTION 10.**

155 Said title is further amended by revising subsection (d) of Code Section 21-2-220, relating  
 156 to application for registration, identification requirement, rejection for failure to provide  
 157 required information or for submission of false information, and aid to disabled or illiterate,  
 158 as follows:

159 "(d) If an applicant fails to provide all of the required information on the application for  
 160 voter registration with the exception of current and valid identification, the board of  
 161 registrars shall notify the registrant in writing of the missing information. The board of  
 162 registrars shall not determine the eligibility of the applicant until and unless all required  
 163 information is supplied by the applicant. If the initial application is received prior to the  
 164 close of voter registration prior to an election, if the applicant supplies the necessary  
 165 information on or prior to the date of the election, and if the applicant is found eligible to  
 166 vote, the applicant shall be added to the list of electors and shall be permitted to vote in the  
 167 election ~~and any run-off elections resulting therefrom~~ and subsequent elections; provided,

168 however, that voters who registered to vote for the first time in this state by mail must  
 169 supply current and valid identification when voting for the first time as required in  
 170 subsection (c) of this Code section. In the event the elector does not respond to the request  
 171 for the missing information within 30 days, the application shall be rejected."

172 **SECTION 11.**

173 Said title is further amended by repealing in its entirety Code Section 21-2-270, relating to  
 174 run-off primaries.

175 **SECTION 12.**

176 Said title is further amended by revising Code Section 21-2-285.1, relating to the form of  
 177 ballot in nonpartisan elections, nonpartisan run-off election, and declaration of prevailing  
 178 candidate as duly elected, as follows:

179 "21-2-285.1.

180 The names of all candidates for offices which the General Assembly has by general law or  
 181 local Act provided for election in a nonpartisan election shall be printed on each official  
 182 primary ballot; and insofar as practicable such offices to be filled in the nonpartisan  
 183 election shall be separated from the names of candidates for party nomination to other  
 184 offices by being listed last on each ballot, with the top of that portion of each official  
 185 primary ballot relating to the nonpartisan election to have printed in prominent type the  
 186 words 'OFFICIAL NONPARTISAN ELECTION BALLOT.' In addition, there shall be a  
 187 ballot that contains just the official nonpartisan election ballot available for electors who  
 188 choose not to vote in a party primary. Directions that explain how to cast a vote, how to  
 189 write in a candidate, and how to obtain a new ballot after the elector spoils his or her ballot  
 190 shall appear immediately under the caption, as specified by rule or regulation of the State  
 191 Election Board. Immediately under the directions, the name of each such nonpartisan  
 192 candidate shall be arranged alphabetically by last name under the title of the office for  
 193 which they are candidates and be printed thereunder. The incumbency of a candidate  
 194 seeking election for the public office he or she then holds shall be indicated on the ballot.  
 195 No party designation or affiliation shall appear beside the name of any candidate for  
 196 nonpartisan office. An appropriate space shall also be placed on the ballot for the casting  
 197 of write-in votes for such offices. ~~In the event that no candidate in such nonpartisan~~  
 198 ~~election receives a majority of the total votes cast for such office, there shall be a~~  
 199 ~~nonpartisan election runoff between the candidates receiving the two highest numbers of~~  
 200 ~~votes; and the names of such candidates shall be placed on the official ballot at the general~~  
 201 ~~primary runoff in the same manner as prescribed in this Code section for the nonpartisan~~  
 202 ~~election and there shall be a separate official nonpartisan election runoff ballot for those~~

203 ~~electors who do not choose or are not eligible to vote in the general primary runoff. In the~~  
 204 ~~event that only nonpartisan candidates are to be placed on a run-off ballot, the form of the~~  
 205 ~~ballot shall be as prescribed by the Secretary of State or election superintendent in~~  
 206 ~~essentially the same format as prescribed for the nonpartisan election. The candidate~~  
 207 ~~having a majority plurality of the votes cast in the nonpartisan election or the candidate~~  
 208 ~~receiving the highest number of votes cast in the nonpartisan election runoff shall be~~  
 209 ~~declared duly elected to such office."~~

210 **SECTION 13.**

211 Said title is further amended by revising subsection (b) of Code Section 21-2-374, relating  
 212 to proper programming, proper order, testing, and supplies of optical scanning voting  
 213 systems, as follows:

214 "(b) On or before the third day preceding a primary or election, including special  
 215 primaries, special elections, and referendum elections, the superintendent shall have the  
 216 optical scanning tabulators tested to ascertain that they will correctly count the votes cast  
 217 for all offices and on all questions. Public notice of the time and place of the test shall be  
 218 made at least five days prior thereto; ~~provided, however, that, in the case of a runoff, the~~  
 219 ~~public notice shall be made at least three days prior thereto.~~ Representatives of political  
 220 parties and bodies, candidates, news media, and the public shall be permitted to observe  
 221 such tests. The test shall be conducted by processing a preaudited group of ballots so  
 222 marked as to record a predetermined number of valid votes for each candidate and on each  
 223 question and shall include for each office one or more ballots which are improperly marked  
 224 and one or more ballots which have votes in excess of the number allowed by law in order  
 225 to test the ability of the optical scanning tabulator to reject such votes. The optical  
 226 scanning tabulator shall not be approved unless it produces an errorless count. If any error  
 227 is detected, the cause therefor shall be ascertained and corrected; and an errorless count  
 228 shall be made before the tabulator is approved. The superintendent shall cause the  
 229 pretested tabulators to be placed at the various polling places to be used in the primary or  
 230 election. The superintendent shall require that each optical scanning tabulator be  
 231 thoroughly tested and inspected prior to each primary and election in which it is used and  
 232 shall keep such tested material as certification of an errorless count on each tabulator. In  
 233 counties using central count optical scanning tabulators, the same test shall be repeated  
 234 immediately before the start of the official count of the ballots and at the conclusion of  
 235 such count. Precinct tabulators shall produce a zero tape prior to any ballots being inserted  
 236 on the day of any primary or election."

237 **SECTION 14.**

238 Said title is further amended by revising subsection (c) of Code Section 21-2-379.6, relating  
 239 to maintenance of voting systems and supplies for electronic recording voting systems, as  
 240 follows:

241 "(c) On or before the third day preceding a primary or election, including special primaries,  
 242 special elections, and referendum elections, the superintendent shall have each DRE unit  
 243 tested to ascertain that it will correctly count the votes cast for all offices and on all  
 244 questions in a manner that the State Election Board shall prescribe by rule or regulation.  
 245 ~~On or before the third day preceding a primary runoff or election runoff, including special~~  
 246 ~~primary runoffs and special election runoffs, the superintendent shall test a number of DRE~~  
 247 ~~units at random to ascertain that the units will correctly count the votes cast for all offices.~~  
 248 If the total number of DRE units in the county or municipality is 30 units or less, all of the  
 249 units shall be tested. If the total number of DRE units in the county or municipality is more  
 250 than 30 but not more than 100, then at least one-half of the units shall be tested at random.  
 251 If there are more than 100 DRE units in the county or municipality, the superintendent shall  
 252 test at least 15 percent of the units at random. In no event shall the superintendent test less  
 253 than one DRE unit per precinct. ~~All memory cards to be used in the runoff shall be tested.~~  
 254 Public notice of the time and place of the test shall be made at least five days prior thereto;  
 255 ~~provided, however, that, in the case of a runoff, the public notice shall be made at least~~  
 256 ~~three days prior thereto.~~ Representatives of political parties and bodies, news media, and  
 257 the public shall be permitted to observe such tests."

258 **SECTION 15.**

259 Said title is further amended by revising Code Section 21-2-380, relating to definition of  
 260 absentee elector and when reason for absentee ballot not required, as follows:

261 "21-2-380.

262 (a) As used in this article, the term 'absentee elector' means an elector of this state or a  
 263 municipality thereof who casts a ballot in a primary; or election; ~~or runoff~~ other than in  
 264 person at the polls on the day of such primary; or election; ~~or runoff~~.

265 (b) An elector who votes by absentee ballot shall not be required to provide a reason in  
 266 order to cast an absentee ballot in any primary; or election; ~~or runoff~~."

267 **SECTION 16.**

268 Said title is further amended by revising subsection (a) of Code Section 21-2-381, relating  
 269 to making of application for absentee ballot, determination of eligibility by ballot clerk,  
 270 furnishing of applications to colleges and universities, and persons entitled to make  
 271 application, as follows:

272 "(a)(1)(A) Except as otherwise provided in Code Section 21-2-219, not more than 180  
 273 days prior to the date of the primary or election, ~~or runoff of either~~, in which the elector  
 274 desires to vote, any absentee elector may make, either by mail, by facsimile  
 275 transmission, by electronic transmission, or in person in the registrar's or absentee ballot  
 276 clerk's office, an application for an official ballot of the elector's precinct to be voted  
 277 at such primary; or election; ~~or runoff~~.

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

284 (C) The application shall be in writing and shall contain sufficient information for  
 285 proper identification of the elector; the permanent or temporary address of the elector  
 286 to which the absentee ballot shall be mailed; the identity of the primary; or election; ~~or~~  
 287 ~~runoff~~ in which the elector wishes to vote; and the name and relationship of the person  
 288 requesting the ballot if other than the elector.

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

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

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

299 (G) Any elector meeting criteria of advanced age or disability specified by rule or  
 300 regulation of the State Election Board or any elector who is entitled to vote by absentee  
 301 ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42  
 302 U.S.C. Section 1973ff, et seq., as amended, may request in writing on one application  
 303 a ballot for a primary ~~as well as for any runoffs resulting therefrom~~ and for the election  
 304 for which such primary shall nominate candidates ~~as well as any runoffs resulting~~  
 305 ~~therefrom~~. If not so requested by such person, a separate and distinct application shall  
 306 be required for each primary, ~~run-off primary~~, and election; ~~and run-off election~~.  
 307 Except as otherwise provided in this subparagraph, a separate and distinct application

308 for an absentee ballot shall always be required for the presidential preference primary  
 309 held pursuant to Article 5 of this chapter and for any special election or special primary.  
 310 (2) A properly executed registration card submitted under the provisions of  
 311 subsection (b) of Code Section 21-2-219, if submitted within 180 days of a primary or  
 312 election in which the registrant is entitled to vote, shall be considered to be an application  
 313 for an absentee ballot under this Code section, or for a special absentee ballot under Code  
 314 Section 21-2-381.1, as appropriate.  
 315 (3) Reserved.  
 316 (4) In extraordinary circumstances as described in Code Section 21-2-543.1, the registrar  
 317 or absentee ballot clerk shall determine if the applicants are eligible to vote under this  
 318 Code section and shall either mail or issue the absentee ballots for the election for  
 319 representative in the United States Congress to an individual entitled to make application  
 320 for absentee ballot under subsection (d) of this Code section the same day any such  
 321 application is received, so long as the application is received by 3:00 P.M., otherwise no  
 322 later than the next business day following receipt of the application. Any valid absentee  
 323 ballot shall be accepted and processed so long as the ballot is received by the registrar or  
 324 absentee ballot clerk not later than 45 days after the ballot is transmitted to the absent  
 325 uniformed services voter or overseas voter, but in no event later than 11 days following  
 326 the date of the election."

327 **SECTION 17.**

328 Said title is further amended by revising subsections (a) and (b) of Code Section 21-2-381.1,  
 329 relating to procedures for voting with special write-in absentee ballots by qualified absentee  
 330 electors, as follows:

331 "(a) Notwithstanding any other provisions of this chapter, a qualified absentee elector, as  
 332 defined in Code Section 21-2-380, in general, special, and primary, ~~and run-off~~ elections,  
 333 who is entitled to vote by absentee ballot under the federal Uniformed and Overseas  
 334 Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended, and who  
 335 makes timely application for but does not receive an official absentee ballot may vote by  
 336 completing, signing, and mailing a federal write-in absentee ballot promulgated under the  
 337 federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff,  
 338 et seq., as amended.

339 (b)(1) Any elector who is entitled to vote by absentee ballot under the federal Uniformed  
 340 and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as  
 341 amended, when voting a federal write-in absentee ballot for a federal general; or special;  
 342 ~~or run-off~~ election, may designate a candidate by writing in the name of the candidate or

343 by writing in a party preference for each office. A written designation of the political  
344 party shall be counted as a vote for the candidate of that party.

345 (2) Except as provided in paragraph (3) of this subsection, an elector who is entitled to  
346 vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee  
347 Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended, may vote in any election for  
348 a public office other than for a federal office by using the addendum provided in the  
349 federal write-in absentee ballot and writing in the title of the office and the name of the  
350 candidate for whom the elector is voting. In a general; or special, ~~or run-off~~ election, the  
351 elector may alternatively designate a candidate by writing in a party preference for each  
352 office, the names of specific candidates for each office, or the name of the person who  
353 the elector prefers for each office. A written designation of the political party shall be  
354 counted as a vote for the candidate of that party. In addition, such elector may vote on  
355 any constitutional amendment or question presented to the electors in such election by  
356 identifying the constitutional amendment or question with regard to which such elector  
357 desires to vote and specifying the elector's vote on such amendment or question.

358 (3) If the elector is voting in a primary ~~or primary runoff~~, the elector shall identify the  
359 political party for which the elector has requested a ballot in the appropriate section of  
360 the federal write-in absentee ballot. A vote cast by writing in the name of a candidate  
361 who is not affiliated with the identified political party ballot is void and shall not be  
362 counted."

363 **SECTION 18.**

364 Said title is further amended by repealing in its entirety Code Section 21-2-381.2, relating  
365 to state write-in absentee ballot for certain electors.

366 **SECTION 19.**

367 Said title is further amended by revising subsections (a) and (c) of Code Section 21-2-384,  
368 relating to preparation and delivery of supplies, mailing of ballots, oath of absentee electors  
369 and persons assisting absentee electors, master list of ballots sent, challenges, and electronic  
370 transmission of ballots, as follows:

371 "(a)(1) The superintendent shall, in consultation with the board of registrars or absentee  
372 ballot clerk, prepare, obtain, and deliver before the date specified in paragraph (2) of this  
373 subsection an adequate supply of official absentee ballots to the board of registrars or  
374 absentee ballot clerk for use in the primary or election ~~or as soon as possible prior to a~~  
375 ~~runoff~~. Envelopes and other supplies as required by this article may be ordered by the  
376 superintendent, the board of registrars, or the absentee ballot clerk for use in the primary  
377 or election.

378 (2) The board of registrars or absentee ballot clerk shall mail or issue official absentee  
379 ballots to all eligible applicants not more than 49 days but not less than 45 days prior to  
380 any presidential preference primary, general primary other than a municipal general  
381 primary, general election other than a municipal general election, or special primary or  
382 special election in which there is a candidate for a federal office on the ballot; and 22  
383 ~~days prior to any municipal general primary or municipal general election; and as soon~~  
384 ~~as possible prior to any runoff.~~ In the case of all other special primaries or special  
385 elections, the board of registrars or absentee ballot clerk shall mail or issue official  
386 absentee ballots to all eligible applicants within three days after the receipt of such ballots  
387 and supplies, but no earlier than 22 days prior to the election; provided, however, that  
388 should any elector of the jurisdiction be permitted to vote by absentee ballot beginning  
389 49 days prior to a primary or election, all eligible applicants of such jurisdiction shall be  
390 entitled to vote by absentee ballot beginning 49 days prior to such primary or election.  
391 As additional applicants are determined to be eligible, the board or clerk shall mail or  
392 issue official absentee ballots to such additional applicants immediately upon determining  
393 their eligibility; provided, however, that no absentee ballot shall be mailed by the  
394 registrars or absentee ballot clerk on the day prior to a primary or election; and provided,  
395 further, that no absentee ballot shall be issued on the day prior to a primary or election.  
396 The board of registrars shall, within the same time periods specified in this subsection,  
397 electronically transmit official absentee ballots to all electors who have requested to  
398 receive their official absentee ballot electronically and are entitled to vote such absentee  
399 ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42  
400 U.S.C. Section 1973ff, et seq., as amended.

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

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

407 (5) In the event an absentee ballot which has been mailed by the board of registrars or  
408 absentee ballot clerk is not received by the applicant, the applicant may notify the board  
409 of registrars or absentee ballot clerk and sign an affidavit stating that the absentee ballot  
410 has not been received. The board of registrars or absentee ballot clerk shall then issue a  
411 second absentee ballot to the applicant and cancel the original ballot issued. The affidavit  
412 shall be attached to the original application. A second application for an absentee ballot  
413 shall not be required."

414 "(c)(1) The oaths referred to in subsection (b) of this Code section shall be in  
415 substantially the following form:

416 I, the undersigned, do swear (or affirm) that I am a citizen of the United States and of  
417 the State of Georgia; that my residence address is \_\_\_\_\_ County, Georgia; that  
418 I possess the qualifications of an elector required by the laws of the State of Georgia;  
419 that I am entitled to vote in the precinct containing my residence in the primary or  
420 election in which this ballot is to be cast; that I am eligible to vote by absentee ballot;  
421 that I have not marked or mailed any other absentee ballot, nor will I mark or mail  
422 another absentee ballot for voting in such primary or election; nor shall I vote therein  
423 in person; and that I have read and understand the instructions accompanying this  
424 ballot; and that I have carefully complied with such instructions in completing this  
425 ballot. I understand that the offer or acceptance of money or any other object of value  
426 to vote for any particular candidate, list of candidates, issue, or list of issues included  
427 in this election constitutes an act of voter fraud and is a felony under Georgia law.

428 \_\_\_\_\_  
429 Elector's Residence  
430 Address

431 \_\_\_\_\_  
432 Month and Day of  
433 Elector's Birth

434 \_\_\_\_\_  
435 Signature or Mark of Elector

436 Oath of Person Assisting Elector (if any):

437 I, the undersigned, do swear (or affirm) that I assisted the above-named elector in  
438 marking such elector's absentee ballot as such elector personally communicated such  
439 elector's preference to me; and that such elector is entitled to receive assistance in  
440 voting under provisions of subsection (a) of Code Section 21-2-409.

441 This, the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

442

443

444

Signature of Person Assisting

Elector – Relationship

445 Reason for assistance (Check appropriate square):

446  Elector is unable to read the English language.447  Elector requires assistance due to physical disability.

448 The forms upon which such oaths are printed shall contain the following information:

449 Georgia law provides, in subsection (b) of Code Section 21-2-409, that no person shall  
 450 assist more than ten electors in any primary, or election, ~~or runoff~~ in which there is no  
 451 federal candidate on the ballot.

452 Georgia law further provides that any person who knowingly falsifies information so  
 453 as to vote illegally by absentee ballot or who illegally gives or receives assistance in  
 454 voting, as specified in Code Section 21-2-568 or 21-2-573, shall be guilty of a felony.

455 (2) In the case of absent uniformed services or overseas voters, if the presidential  
 456 designee under Section 705(b) of the federal Help America Vote Act promulgates a  
 457 standard oath for use by such voters, the Secretary of State shall be required to use such  
 458 oath on absentee ballot materials for such voters and such oath shall be accepted in lieu  
 459 of the oath set forth in paragraph (1) of this subsection."

460

**SECTION 20.**

461 Said title is further amended by revising subsections (b) and (d) of Code Section 21-2-385,  
 462 relating to procedure for voting by absentee ballot and advance voting, as follows:

463 "(b) A physically disabled or illiterate elector may receive assistance in preparing his or  
 464 her ballot from one of the following: any elector who is qualified to vote in the same  
 465 county or municipality as the disabled or illiterate elector; an attendant care provider or a  
 466 person providing attendant care; or the mother, father, grandparent, aunt, uncle, brother,  
 467 sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law,  
 468 mother-in-law, father-in-law, brother-in-law, or sister-in-law of the disabled or illiterate  
 469 elector. The person rendering assistance to the elector in preparing the ballot shall sign the  
 470 oath printed on the same envelope as the oath to be signed by the elector. If the disabled  
 471 or illiterate elector is sojourning outside his or her own county or municipality, a notary  
 472 public of the jurisdiction may give such assistance and shall sign the oath printed on the  
 473 same envelope as the oath to be signed by the elector. No person shall assist more than ten  
 474 such electors in any primary, or election, ~~or runoff~~ in which there is no federal candidate  
 475 on the ballot. Any person who willfully violates this subsection shall be guilty of a felony  
 476 and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor

477 more than ten years or to pay a fine not to exceed \$100,000.00, or both, for each such  
478 violation."

479 "(d)(1) There shall be a period of advance voting that shall commence:

480 (A) ~~On~~ on the fourth Monday immediately prior to each primary or election;

481 (B) ~~On the fourth Monday immediately prior to a runoff from a general primary;~~

482 (C) ~~On the fourth Monday immediately prior to a runoff from a general election in~~  
483 ~~which there are candidates for a federal office on the ballot in the runoff; and~~

484 (D) ~~As soon as possible prior to a runoff from any other general election in which there~~  
485 ~~are only state or county candidates on the ballot in the runoff~~

486 and shall end on the Friday immediately prior to each primary; or election; ~~or runoff.~~

487 Voting shall be conducted during normal business hours on weekdays during such period  
488 and shall be conducted on the second Saturday prior to a primary or election during the  
489 hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections  
490 in which there are no federal or state candidates on the ballot, no Saturday voting hours  
491 shall be required. Except as otherwise provided in this paragraph, counties and  
492 municipalities may extend the hours for voting beyond regular business hours and may  
493 provide for additional voting locations pursuant to Code Section 21-2-382 to suit the  
494 needs of the electors of the jurisdiction at their option.

495 (2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice  
496 to the electors of their jurisdiction of the availability of advance voting as well as the  
497 times, dates, and locations at which advance voting will be conducted. In addition, the  
498 registrars or absentee ballot clerk shall notify the Secretary of State in the manner  
499 prescribed by the Secretary of State of the times, dates, and locations at which advance  
500 voting will be conducted."

501 **SECTION 21.**

502 Said title is further amended by revising Code Section 21-2-386, relating to safekeeping,  
503 certification, and validation of absentee ballots; rejection of ballot; delivery of ballots to  
504 manager; duties of managers; precinct returns; and notification of challenged elector, as  
505 follows:

506 "21-2-386.

507 (a)(1)(A) The board of registrars or absentee ballot clerk shall keep safely, unopened,  
508 and stored in a manner that will prevent tampering and unauthorized access all official  
509 absentee ballots received from absentee electors prior to the closing of the polls on the  
510 day of the primary or election except as otherwise provided in this subsection.

511 (B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the  
512 receipt of the ballot on its envelope. The registrar or clerk shall then compare the

513 identifying information on the oath with the information on file in his or her office,  
514 shall compare the signature or mark on the oath with the signature or mark on the  
515 absentee elector's voter registration card or the most recent update to such absentee  
516 elector's voter registration card and application for absentee ballot or a facsimile of ~~said~~  
517 such signature or mark taken from ~~said~~ such card or application, and shall, if the  
518 information and signature appear to be valid and other identifying information appears  
519 to be correct, so certify by signing or initialing his or her name below the voter's oath.  
520 Each elector's name so certified shall be listed by the registrar or clerk on the numbered  
521 list of absentee voters prepared for his or her precinct.

522 (C) If the elector has failed to sign the oath, or if the signature does not appear to be  
523 valid, or if the elector has failed to furnish required information or information so  
524 furnished does not conform with that on file in the registrar's or clerk's office, or if the  
525 elector is otherwise found disqualified to vote, the registrar or clerk shall write across  
526 the face of the envelope 'Rejected,' giving the reason therefor. The board of registrars  
527 or absentee ballot clerk shall promptly notify the elector of such rejection, a copy of  
528 which notification shall be retained in the files of the board of registrars or absentee  
529 ballot clerk for at least two years.

530 (D) An elector who registered to vote by mail, but did not comply with subsection (c)  
531 of Code Section 21-2-220, and who votes for the first time in this state by absentee  
532 ballot shall include with his or her application for an absentee ballot or in the outer oath  
533 envelope of his or her absentee ballot either one of the forms of identification listed in  
534 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank  
535 statement, government check, paycheck, or other government document that shows the  
536 name and address of such elector. If such elector does not provide any of the forms of  
537 identification listed in this subparagraph with his or her application for an absentee  
538 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a  
539 provisional ballot and such ballot shall only be counted if the registrars are able to  
540 verify current and valid identification of the elector as provided in this subparagraph  
541 within the time period for verifying provisional ballots pursuant to Code  
542 Section 21-2-419.

543 (E) Three copies of the numbered list of voters shall also be prepared for such rejected  
544 absentee electors, giving the name of the elector and the reason for the rejection in each  
545 case. Three copies of the numbered list of certified absentee voters and three copies of  
546 the numbered list of rejected absentee voters for each precinct shall be turned over to  
547 the poll manager in charge of counting the absentee ballots and shall be distributed as  
548 required by law for numbered lists of voters.

549 (F) All absentee ballots returned to the board or absentee ballot clerk after the closing  
550 of the polls on the day of the primary or election shall be safely kept unopened by the  
551 board or absentee ballot clerk and then transferred to the appropriate clerk for storage  
552 for the period of time required for the preservation of ballots used at the primary or  
553 election and shall then, without being opened, be destroyed in like manner as the used  
554 ballots of the primary or election. The board of registrars or absentee ballot clerk shall  
555 promptly notify the elector by first-class mail that the elector's ballot was returned too  
556 late to be counted and that the elector will not receive credit for voting in the primary  
557 or election. All such late absentee ballots shall be delivered to the appropriate clerk and  
558 stored as provided in Code Section 21-2-390.

559 (G) Notwithstanding any provision of this chapter to the contrary, until the United  
560 States Department of Defense notifies the Secretary of State that the Department of  
561 Defense has implemented a system of expedited absentee voting for those electors  
562 covered by this subparagraph, absentee ballots cast in a primary; or election; ~~or runoff~~  
563 by eligible absentee electors who reside outside the county or municipality in which the  
564 primary; or election; ~~or runoff~~ is held and are members of the armed forces of the  
565 United States, members of the merchant marine of the United States, spouses or  
566 dependents of members of the armed forces or merchant marine residing with or  
567 accompanying such members, or overseas citizens that are postmarked by the date of  
568 such primary; or election; ~~or runoff~~ and are received within the three-day period  
569 following such primary; or election; ~~or runoff~~, if proper in all other respects, shall be  
570 valid ballots and shall be counted and included in the certified election results.

571 (2) After the opening of the polls on the day of the primary; or election; ~~or runoff~~, the  
572 registrars or absentee ballot clerks shall be authorized to open the outer envelope on  
573 which is printed the oath of the elector in such a manner as not to destroy the oath printed  
574 thereon; provided, however, that the registrars or absentee ballot clerk shall not be  
575 authorized to remove the contents of such outer envelope or to open the inner envelope  
576 marked 'Official Absentee Ballot,' except as otherwise provided in this Code section. At  
577 least three persons who are registrars, deputy registrars, poll workers, or absentee ballot  
578 clerks must be present before commencing; and three persons who are registrars, deputy  
579 registrars, or absentee ballot clerks shall be present at all times while the outer envelopes  
580 are being opened. After opening the outer envelopes, the ballots shall be safely and  
581 securely stored until the time for tabulating such ballots.

582 (3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on the  
583 day of the primary; or election; ~~or runoff~~ open the inner envelopes in accordance with the  
584 procedures prescribed in this subsection and begin tabulating the absentee ballots. If the  
585 county election superintendent chooses to open the inner envelopes and begin tabulating

586 such ballots prior to the close of the polls on the day of the primary; or election, ~~or runoff~~,  
 587 the superintendent shall notify in writing, at least seven days prior to the primary; or  
 588 election, ~~or runoff~~, the Secretary of State of the superintendent's intent to begin the  
 589 absentee ballot tabulation prior to the close of the polls. The county executive committee  
 590 or, if there is no organized county executive committee, the state executive committee of  
 591 each political party and political body having candidates whose names appear on the  
 592 ballot for such election in such county shall have the right to designate two persons and  
 593 each independent and nonpartisan candidate whose name appears on the ballot for such  
 594 election in such county shall have the right to designate one person to act as monitors for  
 595 such process. In the event that the only issue to be voted upon in an election is a  
 596 referendum question, the superintendent shall also notify in writing the chief judge of the  
 597 superior court of the county who shall appoint two electors of the county to monitor such  
 598 process.

599 (4) The county election superintendent shall publish a written notice in the  
 600 superintendent's office of the superintendent's intent to begin the absentee ballot  
 601 tabulation prior to the close of the polls and publish such notice at least one week prior  
 602 to the primary; or election, ~~or runoff~~ in the legal organ of the county.

603 (5) The process for opening the inner envelopes of and tabulating absentee ballots on the  
 604 day of a primary; or election, ~~or runoff~~ as provided in this subsection shall be a  
 605 confidential process to maintain the secrecy of all ballots and to protect the disclosure of  
 606 any balloting information before 7:00 P.M. on election day. No absentee ballots shall be  
 607 tabulated before 7:00 A.M. on the day of a primary; or election, ~~or runoff~~.

608 (6) All persons conducting the tabulation of absentee ballots during the day of a primary;  
 609 or election, ~~or runoff~~, including the vote review panel required by Code Section 21-2-483,  
 610 and all monitors and observers shall be sequestered until the time for the closing of the  
 611 polls. All such persons shall have no contact with the news media; shall have no contact  
 612 with other persons not involved in monitoring, observing, or conducting the tabulation;  
 613 shall not use any type of communication device, including radios, telephones, and cellular  
 614 telephones; shall not utilize computers for the purpose of e-mail, instant messaging, or  
 615 other forms of communication; and shall not communicate any information concerning  
 616 the tabulation until the time for the closing of the polls; provided, however, that  
 617 supervisory and technical assistance personnel shall be permitted to enter and leave the  
 618 area in which the tabulation is being conducted but shall not communicate any  
 619 information concerning the tabulation to anyone other than the county election  
 620 superintendent; the staff of the superintendent; those persons conducting, observing, or  
 621 monitoring the tabulation; and those persons whose technical assistance is needed for the  
 622 tabulation process to operate.

623 (7) The absentee ballots shall be tabulated in accordance with the procedures of this  
624 chapter for the tabulation of absentee ballots. As such ballots are tabulated, they shall be  
625 placed into locked ballot boxes and may be transferred to locked ballot bags, if needed,  
626 for security. The persons conducting the tabulation of the absentee ballots shall not cause  
627 the tabulating equipment to produce any count, partial or otherwise, of the absentee votes  
628 cast until the time for the closing of the polls.

629 (b) As soon as practicable after 7:00 A.M. on the day of the primary; or election; ~~or runoff~~,  
630 in precincts other than those in which optical scanning tabulators are used, a registrar or  
631 absentee ballot clerk shall deliver the official absentee ballot of each certified absentee  
632 elector, each rejected absentee ballot, applications for such ballots, and copies of the  
633 numbered lists of certified and rejected absentee electors to the manager in charge of the  
634 absentee ballot precinct of the county or municipality, which shall be located in the  
635 precincts containing the county courthouse or polling place designated by the municipal  
636 superintendent. In those precincts in which optical scanning tabulators are used, such  
637 absentee ballots shall be taken to the tabulation center or other place designated by the  
638 superintendent, and the official receiving such absentee ballots shall issue his or her receipt  
639 therefor. Except as otherwise provided in this Code section, in no event shall the counting  
640 of the ballots begin before the polls close.

641 (c) Except as otherwise provided in this Code section, after the close of the polls on the  
642 day of the primary; or election; ~~or runoff~~, a manager shall then open the outer envelope in  
643 such manner as not to destroy the oath printed thereon and shall deposit the inner envelope  
644 marked 'Official Absentee Ballot' in a ballot box reserved for absentee ballots. In the event  
645 that an outer envelope is found to contain an absentee ballot that is not in an inner  
646 envelope, the ballot shall be sealed in an inner envelope, initialed and dated by the person  
647 sealing the inner envelope, and deposited in the ballot box and counted in the same manner  
648 as other absentee ballots, provided that such ballot is otherwise proper. Such manager with  
649 two assistant managers, appointed by the superintendent, with such clerks as the manager  
650 deems necessary shall count the absentee ballots following the procedures prescribed by  
651 this chapter for other ballots, insofar as practicable, and prepare an election return for the  
652 county or municipality showing the results of the absentee ballots cast in such county or  
653 municipality.

654 (d) All absentee ballots shall be counted and tabulated in such a manner that returns may  
655 be reported by precinct; and separate returns shall be made for each precinct in which  
656 absentee ballots were cast showing the results by each precinct in which the electors reside.

657 (e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall  
658 write 'Challenged,' the elector's name, and the alleged cause of challenge on the outer  
659 envelope and shall deposit the ballot in a secure, sealed ballot box; and it shall be counted

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

665 (f) It shall be unlawful at any time prior to the close of the polls for any person to disclose  
 666 or for any person to receive any information regarding the results of the tabulation of  
 667 absentee ballots except as expressly provided by law."

668 **SECTION 22.**

669 Said title is further amended by revising subsection (b) of Code Section 21-2-387, relating  
 670 to pilot program for electronic handling of absentee ballots, requirements for pilot program,  
 671 reporting, and termination of pilot program, as follows:

672 "(b) Such pilot program shall provide, at a minimum, for:

673 (1) The encryption of information and the transmission of such information over a secure  
 674 network;

675 (2) The authentication of such information;

676 (3) The verification of the identity and eligibility of the elector to vote in the primary; or  
 677 election, ~~or runoff~~, as the case may be;

678 (4) The protection of the privacy, anonymity, and integrity of the ballots cast;

679 (5) The prevention of the casting of multiple ballots by the same elector in a primary; or  
 680 election, ~~or runoff~~;

681 (6) The prevention of any tampering, abuse, fraudulent use, or illegal manipulation of  
 682 such system;

683 (7) The uninterrupted reliability of such system for casting ballots by qualified voters;

684 (8) The capability of the elector to determine if the electronic transmission of the ballot  
 685 was successful;

686 (9) The ability to audit such ballots and to verify that such ballots were properly counted;  
 687 and

688 (10) The ability to verify that the information transmitted over the secure network was  
 689 not viewed or altered by sites that lie between the voting location and the vote counting  
 690 destination."

691 **SECTION 23.**

692 Said title is further amended by revising Code Section 21-2-388, relating to cancellation of  
 693 absentee ballots of electors who are present in election precinct during primaries and  
 694 elections, as follows:

695 "21-2-388.

696 When an absentee ballot which has been voted shall be returned to and received by the  
 697 board of registrars, it shall be deemed to have been voted then and there; and no other  
 698 ballot shall be issued to the same elector. If an elector has requested to vote by absentee  
 699 ballot and has not received such absentee ballot, has such ballot in his or her possession,  
 700 or has returned such ballot but the registrars have not received such ballot, such elector  
 701 may have the absentee ballot canceled and vote in person on the day of the primary; or  
 702 election, ~~or runoff~~ in one of the following ways:

703 (1) If the elector is in possession of the ballot, by surrendering the absentee ballot to the  
 704 poll manager of the precinct in which the elector's name appears on the electors list and  
 705 then being permitted to vote the regular ballot. The poll manager shall mark 'Canceled'  
 706 and the date and time across the face of the absentee ballot and shall initial same. The  
 707 poll manager shall also make appropriate notations beside the name of the elector on the  
 708 electors list. All such canceled absentee ballots shall be returned with other ballots to the  
 709 superintendent; or

710 (2) If the elector has not received the ballot or if the elector has returned the ballot but  
 711 the registrars have not received the ballot, by appearing in person before the registrars or  
 712 the absentee ballot clerk and requesting in writing that the envelope containing the  
 713 elector's absentee ballot be marked 'Canceled.' After having satisfied themselves as to  
 714 the identity of such elector, the registrars or the absentee ballot clerk shall grant the  
 715 request and shall notify the managers of the elector's precinct as to such action so as to  
 716 permit the elector to vote in person in that precinct. If the absentee ballot is in the mail  
 717 or its exact location is unknown, the registrar or the absentee ballot clerk shall write  
 718 'Canceled' beside the elector's name on the master list of absentee voters and shall cancel  
 719 the ballot itself as soon as it is received. Canceled absentee ballots shall be disposed of  
 720 in the same manner as provided in subsection (a) of Code Section 21-2-386 for absentee  
 721 ballots returned too late to be cast."

722 **SECTION 24.**

723 Said title is further amended by revising Code Section 21-2-408, relating to poll watchers,  
 724 designation, duties, removal for interference with election, reports by poll watchers of  
 725 infractions or irregularities, and ineligibility of candidates to serve as poll watchers, as  
 726 follows:

727 "21-2-408.

728 (a)(1) In a primary ~~or run-off primary~~, each candidate entitled to have his or her name  
 729 placed on the primary ~~or run-off primary~~ ballot may submit the name of one poll watcher  
 730 for each precinct in which he or she wishes to have an observer to the chairperson or

731 secretary of the appropriate party executive committee at least 21 days prior to such  
 732 primary ~~or 14 days prior to such run-off primary~~. The appropriate party executive  
 733 committee shall designate at least seven days prior to such primary ~~or run-off primary~~ no  
 734 more than two poll watchers for each precinct, such poll watchers to be selected by the  
 735 committee from the list submitted by party candidates. Official poll watchers shall be  
 736 given a letter signed by the party chairperson and secretary, if designated by a political  
 737 party, containing the following information: name of official poll watcher, address,  
 738 precinct in which he or she shall serve, and name and date of primary ~~or run-off primary~~.  
 739 At least three days prior to the primary, a copy of the letter shall be delivered to the  
 740 superintendent of the county or municipality in which the poll watcher is to serve.

741 (2) In a primary ~~or run-off primary~~, each candidate entitled to have his or her name  
 742 placed on the primary ~~or run-off primary~~ ballot may submit the name of one poll watcher  
 743 for each location at which advance voting is conducted pursuant to subsection (b) of Code  
 744 Section 21-2-380 in which he or she wishes to have an observer to the chairperson or  
 745 secretary of the appropriate party executive committee at least 21 days prior to the  
 746 beginning of the advance voting period for a primary ~~or 14 days prior to such period in~~  
 747 ~~a run-off primary~~. The appropriate party executive committee shall designate at least  
 748 seven days prior to such advance voting period for a primary ~~or run-off primary~~ no more  
 749 than two poll watchers for each advance voting location, such poll watchers to be selected  
 750 by the committee from the list submitted by party candidates. Official poll watchers shall  
 751 be given a letter signed by the party chairperson and secretary, if designated by a political  
 752 party, containing the following information: name of official poll watcher, address,  
 753 precinct in which he or she shall serve, and name and date of primary ~~or run-off primary~~.  
 754 At least three days prior to the beginning of the advance voting period, a copy of the letter  
 755 shall be delivered to the superintendent and the chief registrar of the county or  
 756 municipality in which the poll watcher is to serve.

757 (b)(1) In an election ~~or run-off election~~, each political party and political body shall each  
 758 be entitled to designate, at least seven days prior to such election ~~or run-off election~~, no  
 759 more than two official poll watchers in each precinct to be selected by the appropriate  
 760 party or body executive committee. Each independent candidate shall be entitled to  
 761 designate one poll watcher in each precinct. In addition, candidates running in a  
 762 nonpartisan election shall be entitled to designate one poll watcher in each precinct. Each  
 763 poll watcher shall be given a letter signed by the appropriate political party or body  
 764 chairperson and secretary, if a party or body designates same, or by the independent or  
 765 nonpartisan candidate, if named by the independent or nonpartisan candidate. Such letter  
 766 shall contain the following information: name of official poll watcher, address, precinct  
 767 in which he or she shall serve, and date of election ~~or run-off election~~. At least three days

768 prior to the election, a copy of the letter shall be delivered to the superintendent of the  
769 county or municipality in which the poll watcher is to serve.

770 (2) In an election ~~or run-off election~~, each political party and political body, which body  
771 is registered pursuant to Code Section 21-2-110 and has nominated a candidate for  
772 state-wide office, shall additionally be entitled to designate, at least 14 days prior to such  
773 election ~~or run-off election~~, no more than 25 official state-wide poll watchers to be  
774 selected by the appropriate party or body executive committee. Each independent  
775 candidate shall also be entitled to designate no more than 25 official state-wide poll  
776 watchers. In addition, candidates running in a state-wide nonpartisan election shall be  
777 entitled to designate no more than 25 official state-wide poll watchers. All such  
778 designations of state-wide poll watchers shall be in writing and made and submitted to  
779 the State Election Board. A state-wide poll watcher shall have the same powers and  
780 duties as poll watchers and shall be entitled to watch the polls in any precinct in ~~the~~ this  
781 state but shall otherwise be subject to all limitations and prohibitions placed on poll  
782 watchers; provided, however, that no more than two state-wide poll watchers of a  
783 political party or body, of an independent candidate, or of a nonpartisan candidate shall  
784 be in the same polling place simultaneously. Each state-wide poll watcher shall be given  
785 a letter signed by the chairperson of the State Election Board. Such letter shall contain  
786 the following information: name of official state-wide poll watcher, address, a statement  
787 that such poll watcher is a state-wide poll watcher, and date of election ~~or run-off~~  
788 ~~election~~. At least three days prior to the election, a copy of the letter shall be delivered  
789 to the superintendent of each county in which the poll watcher might serve.

790 (3)(A) In an election ~~or run-off election~~, each political party and political body shall  
791 each be entitled to designate, at least seven days prior to the beginning of the advance  
792 voting period for such election ~~or run-off election~~, no more than two official poll  
793 watchers for each location at which advance voting is conducted pursuant to  
794 subsection (b) of Code Section 21-2-380 to be selected by the appropriate party or body  
795 executive committee. Each independent candidate shall be entitled to designate one  
796 poll watcher for each location at which advance voting is conducted pursuant to  
797 subsection (b) of Code Section 21-2-380. In addition, candidates running in a  
798 nonpartisan election shall be entitled to designate one poll watcher for each location at  
799 which advance voting is conducted pursuant to subsection (b) of Code  
800 Section 21-2-380. Each poll watcher shall be given a letter signed by the appropriate  
801 political party or body chairperson and secretary, if a party or body designates same,  
802 or by the independent or nonpartisan candidate, if named by the independent or  
803 nonpartisan candidate. Such letter shall contain the following information: name of  
804 official poll watcher, address, precinct in which he or she shall serve, and date of

805 election ~~or run-off election~~. At least three days prior to the beginning of the advance  
806 voting period for such election, a copy of the letter shall be delivered to the  
807 superintendent and the chief registrar of the county or municipality in which the poll  
808 watcher is to serve.

809 (B) In an election ~~or run-off election~~, each political party and political body, which  
810 body is registered pursuant to Code Section 21-2-110 and has nominated a candidate  
811 for state-wide office, shall additionally be entitled to designate, at least 14 days prior  
812 to the beginning of the advance voting period for such election ~~or run-off election~~, no  
813 more than 25 official state-wide poll watchers for such advance voting period to be  
814 selected by the appropriate party or body executive committee. Each independent  
815 candidate shall also be entitled to designate no more than 25 official state-wide poll  
816 watchers for such advance voting period. In addition, candidates running in a  
817 state-wide nonpartisan election shall be entitled to designate no more than 25 official  
818 state-wide poll watchers for such advance voting period. All such designations of  
819 state-wide poll watchers shall be in writing and made and submitted to the State  
820 Election Board. A state-wide poll watcher shall have the same powers and duties as  
821 poll watchers and shall be entitled to watch any advance voting location in ~~the~~ this state  
822 but shall otherwise be subject to all limitations and prohibitions placed on poll  
823 watchers; provided, however, that no more than two state-wide poll watchers of a  
824 political party or body, of an independent candidate, or of a nonpartisan candidate shall  
825 be in an advance voting location simultaneously. Each state-wide poll watcher shall be  
826 given a letter signed by the chairperson of the State Election Board. Such letter shall  
827 contain the following information: name of official state-wide poll watcher, address,  
828 a statement that such poll watcher is a state-wide poll watcher for advance voting, and  
829 date of election ~~or run-off election~~. At least three days prior to the beginning of the  
830 advance voting period for such election, a copy of the letter shall be delivered to the  
831 superintendent and chief registrar of each county in which the poll watcher might serve.

832 (c) In counties or municipalities using direct recording electronic (DRE) voting systems  
833 or optical scanning voting systems, each political party may appoint two poll watchers in  
834 each primary or election, each political body may appoint two poll watchers in each  
835 election, each nonpartisan candidate may appoint one poll watcher in each nonpartisan  
836 election, and each independent candidate may appoint one poll watcher in each election to  
837 serve in the locations designated by the superintendent within the tabulating center. Such  
838 designated locations shall include the check-in area, the computer room, the duplication  
839 area, and such other areas as the superintendent may deem necessary to the assurance of  
840 fair and honest procedures in the tabulating center. The poll watchers provided for in this  
841 subsection shall be appointed and serve in the same manner as other poll watchers.

842 (d) Notwithstanding any other provisions of this chapter, a poll watcher may be permitted  
 843 behind the enclosed space for the purpose of observing the conduct of the election and the  
 844 counting and recording of votes. Such poll watcher shall in no way interfere with the  
 845 conduct of the election, and the poll manager may make reasonable regulations to avoid  
 846 such interference. Without in any way limiting the authority of poll managers, poll  
 847 watchers are prohibited from talking to voters, checking electors lists, using photographic  
 848 or other electronic monitoring or recording devices, using cellular telephones, or  
 849 participating in any form of campaigning while they are behind the enclosed space. If a  
 850 poll watcher persists in interfering with the conduct of the election or in violating any of  
 851 the provisions of this Code section after being duly warned by the poll manager or  
 852 superintendent, he or she may be removed by such official. Any infraction or irregularities  
 853 observed by poll watchers shall be reported directly to the superintendent, not to the poll  
 854 manager. The superintendent shall furnish a badge to each poll watcher bearing the words  
 855 'Official Poll Watcher,' the name of the poll watcher, the primary or election in which the  
 856 poll watcher shall serve, and either the precinct or tabulating center in which the poll  
 857 watcher shall serve or a statement that such poll watcher is a state-wide poll watcher. The  
 858 poll watcher shall wear such badge at all times while serving as a poll watcher.

859 (e) No person shall be appointed or be eligible to serve as a poll watcher in any primary  
 860 or election in which such person is a candidate."

861 **SECTION 25.**

862 Said title is further amended by revising paragraph (2) of subsection (b) of Code  
 863 Section 21-2-409, relating to assisting electors who cannot read English or who have  
 864 disabilities, as follows:

865 "(2) In all other elections, any elector who is entitled to receive assistance in voting under  
 866 this Code section shall be permitted by the managers to select:

867 (A) Any elector, except a poll officer or poll watcher, who is a resident of the precinct  
 868 in which the elector requiring assistance is attempting to vote; or

869 (B) The mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter,  
 870 niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,  
 871 brother-in-law, sister-in-law, or attendant care provider of the elector entitled to receive  
 872 assistance

873 to enter the voting compartment or booth with him or her to assist in voting, such  
 874 assistance to be rendered inside the voting compartment or booth. No person shall assist  
 875 more than ten such electors in any primary; or election; ~~or runoff~~ covered by this  
 876 paragraph. No person whose name appears on the ballot as a candidate at a particular  
 877 election nor the mother, father, grandparent, aunt, uncle, sister, brother, spouse, son,

878 daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law,  
 879 father-in-law, brother-in-law, or sister-in-law of that candidate shall offer assistance  
 880 during that particular election under the provisions of this Code section to any voter who  
 881 is not related to such candidate. For the purposes of this paragraph, 'related to such  
 882 candidate' shall mean the candidate's mother, father, grandparent, aunt, uncle, sister,  
 883 brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law,  
 884 mother-in-law, father-in-law, brother-in-law, or sister-in-law."

885 **SECTION 26.**

886 Said title is further amended by revising subsection (e) of Code Section 21-2-418, relating  
 887 to provisional ballots, as follows:

888 "(e) The registrars shall establish a free access system, such as a toll-free telephone number  
 889 or Internet website, by which any elector who casts a provisional ballot in a primary or  
 890 election, ~~or runoff of either~~, in which federal candidates are on the ballot may ascertain  
 891 whether such ballot was counted and, if such ballot was not counted, the reason why such  
 892 ballot was not counted. The registrars shall establish and maintain reasonable procedures  
 893 necessary to protect the security, confidentiality, and integrity of personal information  
 894 collected, stored, or otherwise used by such free access system. Access to such information  
 895 about an individual provisional ballot shall be restricted to the elector who cast such ballot."

896 **SECTION 27.**

897 Said title is further amended by revising paragraph (1) of subsection (c) of Code  
 898 Section 21-2-495, relating to procedure for recount or recanvass of votes and losing  
 899 candidate's right to a recount, as follows:

900 "(c)(1) Whenever the difference between the number of votes received by a candidate  
 901 who has been declared nominated for an office in a primary election or who has been  
 902 declared elected to an office in an election ~~or who has been declared eligible for a run-off~~  
 903 ~~primary or election~~ and the number of votes received by any other candidate or  
 904 candidates not declared so nominated or elected ~~or eligible for a runoff~~ shall be not more  
 905 than 1 percent of the total votes which were cast for such office therein, any such  
 906 candidate or candidates receiving a sufficient number of votes so that the difference  
 907 between his or her vote and that of a candidate declared nominated; or elected; ~~or eligible~~  
 908 ~~for a runoff~~ is not more than 1 percent of the total votes cast, within a period of two  
 909 business days following the certification of the election results, shall have the right to a  
 910 recount of the votes cast, if such request is made in writing by the losing candidate. If the  
 911 office sought is a federal or state office voted upon by the electors of more than one  
 912 county, the request shall be made to the Secretary of State who shall direct that the

913 recount be performed in all counties in which electors voted for such office and notify the  
 914 superintendents of the several counties involved of the request. In all other cases, the  
 915 request shall be made to the superintendent. The superintendent or superintendents shall  
 916 order a recount of such votes to be made immediately. If, upon such recount, it is  
 917 determined that the original count was incorrect, the returns and all papers prepared by  
 918 the superintendent, the superintendents, or the Secretary of State shall be corrected  
 919 accordingly and the results recertified."

## 920 SECTION 28.

921 Said title is further amended by revising Code Section 21-2-501, relating to number of votes  
 922 required for election, as follows:

923 "21-2-501.

924 ~~(a)(1) Except as otherwise provided in this Code section, no~~ No candidate shall be  
 925 nominated for public office in any primary or special primary or elected to public office  
 926 in any election or special election unless such candidate shall have received a majority  
 927 plurality of the votes cast to fill such nomination or public office. ~~In instances where no~~  
 928 ~~candidate receives a majority of the votes cast, a run-off primary, special primary runoff,~~  
 929 ~~run-off election, or special election runoff between the candidates receiving the two highest~~  
 930 ~~numbers of votes shall be held. Unless such date is postponed by a court order, such~~  
 931 ~~run-off primary, special primary runoff, run-off election, or special election runoff shall be~~  
 932 ~~held as provided in this subsection.~~

933 (2) ~~In the case of a runoff from a general primary or a special primary or special election~~  
 934 ~~held in conjunction with a general primary, the runoff shall be held on the Tuesday of the~~  
 935 ~~ninth week following such general primary.~~

936 (3) ~~In the case of a runoff from a general election for a federal office or a runoff from a~~  
 937 ~~special primary or special election for a federal office held in conjunction with a general~~  
 938 ~~election, the runoff shall be held on the Tuesday of the ninth week following such general~~  
 939 ~~election.~~

940 (4) ~~In the case of a runoff from a general election for an office other than a federal office~~  
 941 ~~or a runoff from a special primary or special election for an office other than a federal~~  
 942 ~~office held in conjunction with a general election, the runoff shall be held on the~~  
 943 ~~twenty-eighth day after the day of holding the preceding general election.~~

944 (5) ~~In the case of a runoff from a special primary or special election for a federal office~~  
 945 ~~not held in conjunction with a general primary or general election, the runoff shall be held~~  
 946 ~~on the Tuesday of the ninth week following such special primary or special election.~~

947 (6) ~~In the case of a runoff from a special primary or special election for an office other~~  
 948 ~~than a federal office not held in conjunction with a general primary or general election,~~

949 ~~the runoff shall be held on the twenty-eighth day after the day of holding the preceding~~  
 950 ~~special primary or special election.~~

951 ~~(7) If any candidate eligible to be in a runoff withdraws, dies, or is found to be ineligible,~~  
 952 ~~the remaining candidates receiving the two highest numbers of votes shall be the~~  
 953 ~~candidates in the runoff.~~

954 ~~(8) The candidate receiving the highest number of the votes cast in such run-off primary,~~  
 955 ~~special primary runoff, run-off election, or special election runoff to fill the nomination~~  
 956 ~~or public office sought shall be declared the winner.~~

957 ~~(9) The name of a write-in candidate eligible for election in a runoff shall be printed on~~  
 958 ~~the election or special election run-off ballot in the independent column.~~

959 ~~(10) The run-off primary, special primary runoff, run-off election, or special election~~  
 960 ~~runoff shall be a continuation of the primary, special primary, election, or special election~~  
 961 ~~for the particular office concerned. Only the electors who were duly registered to vote~~  
 962 ~~and not subsequently deemed disqualified to vote in the primary, special primary,~~  
 963 ~~election, or special election for candidates for that particular office shall be entitled to~~  
 964 ~~vote therein, and only those votes cast for the persons designated as candidates in such~~  
 965 ~~run-off primary, special primary runoff, run-off election, or special election runoff shall~~  
 966 ~~be counted in the tabulation and canvass of the votes cast. No elector shall vote in a~~  
 967 ~~run-off primary or special primary runoff in violation of Code Section 21-2-224.~~

968 ~~(b) For the purposes of this subsection, the word 'plurality' shall mean the receiving by one~~  
 969 ~~candidate alone of the highest number of votes cast. If the municipal charter or ordinances~~  
 970 ~~of a municipality as now existing or as amended subsequent to September 1, 1968, provide~~  
 971 ~~that a candidate may be nominated or elected by a plurality of the votes cast to fill such~~  
 972 ~~nomination or public office, such provision shall prevail. Otherwise, no municipal~~  
 973 ~~candidate shall be nominated for public office in any primary or elected to public office in~~  
 974 ~~any election unless such candidate shall have received a majority of the votes cast to fill~~  
 975 ~~such nomination or public office.~~

976 ~~(c) In instances in which no municipal candidate receives a majority of the votes cast and~~  
 977 ~~the municipal charter or ordinances do not provide for nomination or election by a plurality~~  
 978 ~~vote, a run-off primary or election shall be held between the candidates receiving the two~~  
 979 ~~highest numbers of votes. Such runoff shall be held on the twenty-eighth day after the day~~  
 980 ~~of holding the first primary or election, unless such run-off date is postponed by court~~  
 981 ~~order. Only the electors entitled to vote in the first primary or election shall be entitled to~~  
 982 ~~vote in any run-off primary or election resulting therefrom; provided, however, that no~~  
 983 ~~elector shall vote in a run-off primary in violation of Code Section 21-2-216. The run-off~~  
 984 ~~primary or election shall be a continuation of the first primary or election, and only those~~  
 985 ~~votes cast for the candidates receiving the two highest numbers of votes in the first primary~~

986 ~~or election shall be counted. No write-in votes may be cast in such a primary, run-off~~  
 987 ~~primary, or run-off election. If any candidate eligible to be in a runoff withdraws, dies, or~~  
 988 ~~is found to be ineligible, the remaining candidates receiving the two highest numbers of~~  
 989 ~~votes shall be the candidates in such runoff. The municipal candidate receiving the highest~~  
 990 ~~number of the votes cast in such run-off primary or run-off election to fill the nomination~~  
 991 ~~or public office sought shall be declared the winner. The municipality shall give written~~  
 992 ~~notice to the Secretary of State of such runoff as soon as such municipality certifies the~~  
 993 ~~preceding primary, special primary, election, or special election.~~

994 ~~(d) The name of a municipal write-in candidate eligible for election in a municipal runoff~~  
 995 ~~shall be printed on the municipal run-off election ballot in the independent column.~~

996 ~~(e) In all cities having a population in excess of 100,000 according to the United States~~  
 997 ~~decennial census of 1980 or any future such census, in order for a municipal candidate to~~  
 998 ~~be nominated for public office in any primary or elected to public office in any municipal~~  
 999 ~~election, he or she must receive a majority of the votes cast.~~

1000 ~~(f) Except for presidential electors, to be elected to public office in a general election, a~~  
 1001 ~~candidate must receive a majority of the votes cast in an election to fill such public office.~~  
 1002 ~~To be elected to the office of presidential electors, no slate of candidates shall be required~~  
 1003 ~~to receive a majority of the votes cast, but that slate of candidates shall be elected to such~~  
 1004 ~~office which receives the highest number of votes cast."~~

1005 **SECTION 29.**

1006 Said title is further amended by revising subsection (a) of Code Section 21-2-504, relating  
 1007 to special primary or election upon failure to nominate or elect or upon death, withdrawal,  
 1008 or failure of officer-elect to qualify, as follows:

1009 "(a) Whenever any primary or election shall fail to fill a particular nomination or office ~~and~~  
 1010 ~~such failure cannot be cured by a run-off primary or election,~~ whenever any person elected  
 1011 to public office shall die or withdraw prior to taking office, or whenever any person elected  
 1012 to public office shall fail to take that office validly, the authority with whom the candidates  
 1013 for such nomination or office file notice of candidacy shall call a special primary or  
 1014 election to fill such position. If a special primary will not be held and unless otherwise  
 1015 provided by law, the call of a special election shall be made within 45 days after the  
 1016 occurrence of the vacancy."

1017 **SECTION 30.**

1018 Said title is further amended by revising paragraph (2) of Code Section 21-2-520, relating  
 1019 to definitions regarding contested primaries and elections, as follows:

1020 "(2) 'Defendant' means:

- 1021 (A) The person whose nomination or election is contested;
- 1022 (B) ~~The person or persons whose eligibility to seek any nomination or office in a~~
- 1023 ~~run-off primary or election is contested;~~
- 1024 (C) The election superintendent or superintendents who conducted the contested
- 1025 primary or election; or
- 1026 ~~(D)~~(C) The public officer who formally declared the number of votes for and against
- 1027 any question submitted to electors at an election."

### 1028 SECTION 31.

1029 Said title is further amended by revising Code Section 21-2-521, relating to primaries and

1030 elections which are subject to contest and persons who may bring contest, as follows:

1031 "21-2-521.

1032 The nomination of any person who is declared nominated at a primary as a candidate for

1033 any federal, state, county, or municipal office; the election of any person who is declared

1034 elected to any such office, ~~(except when otherwise prescribed by the federal Constitution~~

1035 ~~or the Constitution of Georgia); the eligibility of any person declared eligible to seek any~~

1036 ~~such nomination or office in a run-off primary or election;~~ or the approval or disapproval

1037 of any question submitted to electors at an election may be contested by any person who

1038 was a candidate at such primary or election for such nomination or office, or by any

1039 aggrieved elector who was entitled to vote for such person or for or against such question."

### 1040 SECTION 32.

1041 Said title is further amended by revising Code Section 21-2-522, relating to grounds for

1042 contest, as follows:

1043 "21-2-522.

1044 A result of a primary or election may be contested on one or more of the following

1045 grounds:

- 1046 (1) Misconduct, fraud, or irregularity by any primary or election official or officials
- 1047 sufficient to change or place in doubt the result;
- 1048 (2) When the defendant is ineligible for the nomination or office in dispute;
- 1049 (3) When illegal votes have been received or legal votes rejected at the polls sufficient
- 1050 to change or place in doubt the result;
- 1051 (4) For any error in counting the votes or declaring the result of the primary or election,
- 1052 if such error would change the result; or
- 1053 (5) For any other cause which shows that another was the person legally nominated; or
- 1054 ~~elected; or eligible to compete in a run-off primary or election."~~

**SECTION 33.**

1055

1056 Said title is further amended by revising subsection (a) of Code Section 21-2-523, relating  
 1057 to jurisdiction and general pretrial proceedings, notification of proceedings, selecting  
 1058 administrative judge, and compensation of presiding judge, as follows:

1059 "(a) A contest case governed by this article shall be tried and determined by the superior  
 1060 court of the county where the defendant resides, except that a municipal contest case shall  
 1061 be tried and determined by the superior court of the county where the city hall is located.  
 1062 ~~A contest case challenging the eligibility of the two defendants declared as eligible to~~  
 1063 ~~compete with each other in a run-off primary or election shall be tried and determined by~~  
 1064 ~~the superior court of the county where the defendant who received the highest number of~~  
 1065 ~~votes resides."~~

**SECTION 34.**

1066

1067 Said title is further amended by revising Code Section 21-2-527, relating to pronouncement  
 1068 of judgment, effect of finding of misconduct by poll officers, and calling of second primary,  
 1069 election, or runoff by court upon finding of defects, as follows:

1070 "21-2-527.

1071 (a) After hearing the allegations and evidence in the contest, the court shall declare as  
 1072 nominated; or elected; ~~or as eligible to compete in a run-off primary or election~~ that  
 1073 qualified candidate who received the requisite number of votes and shall pronounce  
 1074 judgment accordingly; and the clerk of the superior court shall certify such determination  
 1075 to the proper authority. In the case of a contest involving a question submitted to electors  
 1076 at an election, the court shall pronounce judgment as to whether the same was approved or  
 1077 disapproved; and the clerk of the superior court shall certify such determination to the  
 1078 defendant.

1079 (b) When a defendant who has received the requisite number of votes for nomination; or  
 1080 ~~election, or to compete in a run-off primary or election~~ is determined to be ineligible for  
 1081 the nomination or office sought, the court shall pronounce judgment declaring the primary  
 1082 or election invalid with regard to such nomination or office and shall call a second primary  
 1083 or election to fill such nomination or office and shall set the date for such second primary  
 1084 or election.

1085 (c) If misconduct is complained of on the part of the poll officers of any precinct, it shall  
 1086 not be held sufficient to set aside the contested result unless the rejection of the vote of  
 1087 such precinct would change such result.

1088 (d) Whenever the court trying a contest shall determine that the primary; or election; ~~or~~  
 1089 ~~runoff~~ is so defective as to the nomination; or office; ~~or eligibility~~ in contest as to place in  
 1090 doubt the result of the entire primary; or election; ~~or runoff~~ for such nomination; or office,

1091 ~~or eligibility~~, such court shall declare the primary; or election; ~~or runoff~~ to be invalid with  
 1092 regard to such nomination; or office; ~~or eligibility~~ and shall call for a second primary; or  
 1093 election; ~~or runoff~~ to be conducted among all of the same candidates who participated in  
 1094 the primary; or election; ~~or runoff~~ to fill such nomination or office which was declared  
 1095 invalid and shall set the date for such second primary; or election; ~~or runoff~~."

#### 1096 **SECTION 35.**

1097 Said title is further amended by revising paragraph (9) of Code Section 21-5-3, relating to  
 1098 definitions, as follows:

1099 "(9) 'Election' means a primary election; ~~run-off election, either primary or general;~~  
 1100 special election; ~~or~~ general election. The term 'election' also means a recall election."

#### 1101 **SECTION 36.**

1102 Said title is further amended by revising subsection (c) of Code Section 21-5-34, relating to  
 1103 disclosure reports, as follows:

1104 "(c) Candidates or campaign committees which accept contributions, make expenditures  
 1105 designed to bring about the nomination or election of a candidate, or have filed a  
 1106 declaration of intention to accept campaign contributions pursuant to subsection (g) of  
 1107 Code Section 21-5-30 shall file campaign contribution disclosure reports in compliance  
 1108 with the following schedule:

1109 (1) In each nonelection year on January 31 and June 30;

1110 (2) In each election year:

1111 (A) On January 31, March 31, June 30, September 30, October 25, and December 31;  
 1112 and

1113 (B) ~~Six days before any run-off primary or election in which the candidate is listed on~~  
 1114 ~~the ballot; and~~

1115 (C) During the period of time between the last report due prior to the date of any  
 1116 election for which the candidate is qualified and the date of such election, all  
 1117 contributions of \$1,000.00 or more shall be reported within two business days of receipt  
 1118 and also reported on the next succeeding regularly scheduled campaign contribution  
 1119 disclosure report;

1120 (3) If the candidate is a candidate in a special primary ~~or special primary runoff~~, 15 days  
 1121 prior to the special primary ~~and six days prior to the special primary runoff~~; and

1122 (4) If the candidate is a candidate in a special election ~~or special election runoff~~, 15 days  
 1123 prior to the special election ~~and six days prior to the special election runoff~~.

1124 All persons or entities required to file reports shall have a five-day grace period in filing  
 1125 the required reports, ~~except that the grace period shall be two days for required reports~~  
 1126 ~~prior to run-off primaries or run-off elections~~, and no grace period shall apply to  
 1127 contributions required to be reported within two business days. Reports required to be filed  
 1128 within two business days of a contribution shall be reported by facsimile or electronic  
 1129 transmission. Any facsimile filing shall also have an identical electronic filing within five  
 1130 business days following the transmission of such facsimile filing. Each report required in  
 1131 the election year shall contain cumulative totals of all contributions which have been  
 1132 received and all expenditures which have been made in support of the campaign in question  
 1133 and which are required, or previously have been required, to be reported."

### 1134 SECTION 37.

1135 Said title is further amended by revising subsections (a) and (b) of Code Section 21-5-41,  
 1136 relating to maximum allowable contributions, as follows:

1137 "(a) No person, corporation, political committee, or political party shall make, and no  
 1138 candidate or campaign committee shall receive from any such entity, contributions to any  
 1139 candidate for state-wide ~~elected~~ elective office which in the aggregate for an election cycle  
 1140 exceed:

- 1141 (1) Five thousand dollars for a primary election; and
- 1142 (2) ~~Three thousand dollars for a primary run-off election;~~
- 1143 (3) Five thousand dollars for a general election; ~~and~~
- 1144 (4) ~~Three thousand dollars for a general election runoff.~~

1145 (b) No person, corporation, political committee, or political party shall make, and no  
 1146 candidate or campaign committee shall receive from any such entity, contributions to any  
 1147 candidate for the General Assembly or public office other than state-wide ~~elected~~ elective  
 1148 office which in the aggregate for an election cycle exceed:

- 1149 (1) Two thousand dollars for a primary election; and
- 1150 (2) ~~One thousand dollars for a primary run-off election;~~
- 1151 (3) Two thousand dollars for a general election; ~~and~~
- 1152 (4) ~~One thousand dollars for a general election runoff."~~

### 1153 SECTION 38.

1154 Said title is further amended by revising Code Section 21-5-42, relating to contribution to  
 1155 campaign committee deemed contribution to candidate and rules for construction, as follows:  
 1156 "21-5-42.

1157 For purposes of this article, a contribution to a campaign committee of a candidate for any  
 1158 public office shall be deemed to be a contribution to such candidate. If during any calendar

1159 year there occur both a special election, including a special primary, ~~special primary runoff,~~  
 1160 ~~and special election runoff as appropriate~~ and a general election for the same public office  
 1161 and if the same person is a candidate for nomination or election at both such special  
 1162 election, including a special primary, ~~special primary runoff, and special election runoff~~  
 1163 ~~as appropriate~~ and such general election, then this Code section shall apply. Where this  
 1164 Code section applies, a person, corporation, political committee, or political party may  
 1165 contribute up to the maximum amount otherwise allowable under this article to such person  
 1166 or such person's campaign committee for the purpose of influencing such candidate's  
 1167 nomination or election at the special primary, ~~special primary runoff, or~~ special election;  
 1168 ~~or special election runoff~~; and the same person, corporation, political committee, or  
 1169 political party may contribute up to the maximum amount otherwise allowable under this  
 1170 article for the purpose of influencing such candidate's election at the general election ~~or~~  
 1171 ~~general election runoff~~. This Code section shall be construed according to the following  
 1172 rules:

- 1173 (1) It is the general intent of this Code section to allow a person who is a candidate for  
 1174 election at both a special election and a general election in the same calendar year to  
 1175 receive up to but no more than twice the amount of contributions which could otherwise  
 1176 be received from any one donor during the year; and
- 1177 (2) Seeking nomination at a special primary or general primary shall be considered as  
 1178 seeking election at the ensuing special election or general election for the purpose of  
 1179 determining whether a person is a candidate for election at both the special election and  
 1180 the general election and allowing the application of this Code section; but seeking  
 1181 election at only a single primary and its ensuing election shall not bring this Code section  
 1182 into effect."

1183

### SECTION 39.

1184 Article 2 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to the  
 1185 great seal of the state, is amended by revising subsection (a) of Code Section 50-3-32,  
 1186 relating to authorized and unauthorized use or display of the great seal of the state, as  
 1187 follows:

1188 "(a) As used in this Code section, the term 'election' means any primary election, ~~run-off~~  
 1189 ~~election, either primary or general~~, special election, general election, or recall election."

1190

### SECTION 40.

1191 All laws and parts of laws in conflict with this Act are repealed.