

House Bill 121

By: Representatives Hamilton of the 24th, Powell of the 32nd, Brockway of the 102nd, Fleming of the 121st, and Taylor of the 173rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2 primaries and elections generally, so as to require notice of write-in candidacy filings to
3 include an authorization by the candidate if such filings are not done by the candidate; to
4 eliminate references to municipal registrars; to revise certain terminology; to revise certain
5 forms of proof of citizenship; to provide for the dissemination of certain voter registration
6 information; to provide for the updating of municipal maps to the board of registrars; to
7 provide for the transfer of voter registration to another county in certain circumstances; to
8 provide for the provision of absentee ballots without additional request in certain
9 circumstances; to revise the information required on absentee ballot envelopes; to revise the
10 reporting requirements for a pilot project for electronic handling of absentee ballots; to
11 clarify assistance in voting procedures; to regulate certain activities within and within close
12 proximity to polling places; to clarify the procedures for use of provisional ballots; to provide
13 for related matters; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
17 elections generally, is amended by revising subsection (a) of Code Section 21-2-133, relating
18 to giving notice of intent of write-in candidacy, filing of affidavit, limitations on candidacy,
19 and certification of candidates, as follows:

20 "(a) No person elected on a write-in vote shall be eligible to hold office unless notice of
21 his or her intention of candidacy was filed and published no earlier than January 1 and no
22 later than the Tuesday after the first Monday in September prior to the election for county,
23 state, and federal elections; no later than seven days after the close of the qualifying period
24 for nonpartisan elections in the case of nonpartisan elections for state or county offices; no
25 later than seven days after the close of the municipal qualifying period for municipal
26 elections in the case of a general election; or no later than seven days after the close of the

27 special election qualifying period for a special election by the person to be a write-in
 28 candidate or by some other person or group of persons qualified to vote in the subject
 29 election, as follows:

30 (1) In a state general or special election, notice shall be filed with the Secretary of State
 31 and published in a newspaper of general circulation in the state;

32 (2) In a general or special election of county officers, notice shall be filed with the
 33 superintendent of elections in the county in which he or she is to be a candidate and
 34 published in the official organ of the same county; or

35 (3) In a municipal general or special election, notice shall be filed with the
 36 superintendent and published in the official gazette of the municipality holding the
 37 election.

38 In the event that such intention of candidacy is filed and published by a person or group of
 39 persons other than the candidate, such person or group of persons shall also file a written,
 40 notarized authorization by the candidate for such filing and publication."

41 SECTION 2.

42 Said chapter is further amended by revising subsection (c) of Code Section 21-2-212, relating
 43 to county registrars; appointment, certification, term of service, vacancies, compensation, and
 44 expenses of chief registrar, registrars, and other officers and employees; and budget
 45 estimates, as follows:

46 ~~"(c) The governing authority of each municipality shall appoint registrars as necessary, and~~
 47 ~~the appointments shall be entered on the minutes of such governing authority. The~~
 48 ~~municipal governing authority shall designate one of the registrars as chief registrar. The~~
 49 ~~chief registrar will serve as such during such registrar's term of office, and such designation~~
 50 ~~shall likewise be entered on the minutes of such governing authority. Such registrars shall~~
 51 ~~serve at the pleasure of the municipal governing authority, and compensation of the~~
 52 ~~registrars shall be fixed by such governing authority. Any registrar shall have the right to~~
 53 ~~resign at any time by submitting a resignation to such governing authority. In the event of~~
 54 ~~any such removal or resignation of a registrar, such registrar's duties and authority as such~~
 55 ~~shall terminate instantly. Successors to resigned registrars shall be appointed by the~~
 56 ~~municipal governing authority. Each appointment or change in designation shall be entered~~
 57 ~~on the minutes of such governing authority and certified by the governing authority. The~~
 58 ~~municipal governing authority may furnish such employees and facilities as it deems~~
 59 ~~necessary for the operation of the office and the affairs of the registrars~~ Reserved."

SECTION 3.

60
61 Said chapter is further amended by revising Code Section 21-2-214, relating to qualifications
62 of registrars and deputy registrars, prohibited political activities, oath of office, privilege
63 from arrest, and duties conducted in public, as follows:

64 "21-2-214.

65 (a) Members of the board of registrars shall be electors of ~~the~~ this state and the county in
66 which they serve, and any deputy registrars shall be electors of ~~the~~ this state. All registrars
67 shall be able to read, write, and speak the English language. ~~Municipal registrars shall be~~
68 ~~registered Georgia voters and shall be able to read, write, and speak the English language.~~
69 Registrars and deputy registrars shall have never been convicted of a felony involving
70 moral turpitude unless such person's civil rights have been restored and at least ten years
71 have elapsed from the date of the completion of the sentence without a subsequent
72 conviction of another felony involving moral turpitude and shall never have been convicted
73 of a crime involving fraud, and the appointing authority shall be authorized to investigate
74 the applicant's criminal history before making such appointment.

75 (b) The office of a member of a county ~~or municipal~~ board of registrars, a deputy registrar,
76 member of a county or municipal board of elections or county or municipal board of
77 elections and registration, or a member of a joint county-municipal board of elections or
78 joint county-municipal board of elections and registration shall be vacated immediately
79 upon such officer's qualifying for any nomination or office to be voted for at a primary or
80 election or qualifying for any nomination or office or qualifying to have such officer's
81 name placed on any primary or election ballot pursuant to Code Sections 21-2-132
82 and 21-2-153 or giving notice of such officer's intention of write-in candidacy; provided,
83 however, that this Code section shall not apply to a chief deputy registrar who is also an
84 elected public officer and who seeks to qualify for reelection to the public office such chief
85 deputy registrar is presently holding. Nothing contained in this Code section shall cause
86 the office of a member of a county ~~or municipal~~ board of registrars, deputy registrar,
87 member of a county or municipal board of elections or county or municipal board of
88 elections and registration, or a member of a joint county-municipal board of elections or
89 joint county-municipal board of elections and registration to be vacated upon qualifying
90 for or having such officer's name placed on the ballot or holding office in a political party
91 or body or serving as a presidential elector.

92 (c) No member of a county ~~or municipal~~ board of registrars, deputy registrar, member of
93 a county or municipal board of elections or county or municipal board of elections and
94 registration, or a member of a joint county-municipal board of elections or joint
95 county-municipal board of elections and registration, while conducting the duties of such
96 person's office, shall engage in any political activity on behalf of a candidate, political party

97 or body, or question, including, but not limited to, distributing campaign literature,
 98 engaging in any communication that advocates or criticizes a particular candidate,
 99 officeholder, or political party or body, and wearing badges, buttons, or clothing with
 100 partisan messages.

101 (d) Before entering upon the duties of office, each registrar and deputy registrar shall take
 102 the following oath before some officer authorized to administer oaths under the laws of this
 103 state:

104 I do solemnly swear that I will faithfully and impartially discharge, to the best of my
 105 ability, the duties imposed upon me by law as (deputy) registrar.'

106 (e) Registrars, deputy registrars, election superintendents, and poll officers shall be
 107 privileged from arrest upon days of primaries and elections, except for fraudulent
 108 misconduct of duty, felony, larceny, or breach of the peace.

109 (f) The registrars shall conduct their duties in public, and all hearings on the qualifications
 110 of electors shall be conducted in public."

111 **SECTION 4.**

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

117 "(2) Satisfactory evidence of citizenship shall include any of the following:

118 (A) The number of the applicant's Georgia driver's license or identification card issued
 119 by the Department of Driver Services if the applicant has provided satisfactory
 120 evidence of United States citizenship to the Department of Driver Services or a legible
 121 photocopy of the applicant's driver's license or identification card issued by an
 122 equivalent government agency of another state if the agency indicates on the driver's
 123 license or identification card that the applicant has provided satisfactory evidence of
 124 United States citizenship to the agency;

125 (B) A legible photocopy of the applicant's birth certificate that verifies citizenship to
 126 the satisfaction of the board of registrars;

127 (C) A legible photocopy of pertinent pages of the applicant's United States passport
 128 identifying the applicant and the applicant's passport number or presentation to the
 129 board of registrars of the applicant's United States passport;

130 (D) A presentation to the board of registrars of the applicant's United States
 131 naturalization documents or the alien registration number from the applicant's
 132 naturalization documents. If only the applicant's alien registration number is provided,

133 the applicant shall not be found eligible to vote until the applicant's alien registration
 134 number is verified with the United States Citizenship and Immigration Services by the
 135 board of registrars;

136 (E) Other documents or methods of proof that are established pursuant to the federal
 137 Immigration Reform and Control Act of 1986 (P. L. 99-603);

138 (F) ~~The A legible photocopy of the applicant's Bureau of Indian Affairs card number,~~
 139 ~~tribal treaty card number, or tribal enrollment number card that verifies citizenship to~~
 140 the satisfaction of the board of registrars; and

141 (G) For residents of this state who are United States citizens but are not in possession
 142 of any of the documents or methods of proof enumerated under subparagraphs (A)
 143 through (F) of this paragraph, other documents or methods of proof for establishing
 144 evidence of United States citizenship which shall be promulgated by rule and regulation
 145 of the State Election Board."

146 SECTION 5.

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

150 "(e) The county board of registrars shall deliver to ~~the chief registrar of the municipality,~~
 151 upon a basis mutually agreed upon between the county board of registrars and the
 152 governing authority of the municipality, a copy of the list of electors for the municipality
 153 for the primary or election. Such list shall be delivered not earlier than the fifth Monday
 154 prior to a primary or election and not later than 21 days prior to such primary or election
 155 for the purpose of permitting the ~~chief registrar of the municipality~~ to check the accuracy
 156 of the list. The ~~municipal registrar municipality~~ shall, upon receipt of the county
 157 registration list, or as soon as practicable thereafter but in no event later than five days prior
 158 to such primary or election, review such list and identify in writing to the county board of
 159 registrars any names on the electors list of persons who are not qualified to vote at such
 160 primary or election, stating the reason for disqualification. The county board of registrars
 161 shall challenge the persons identified in accordance with Code Section 21-2-228. In
 162 addition, the county board of registrars shall provide a list of inactive electors for the
 163 municipality. The ~~municipal registrar municipality~~ shall certify such lists and file with the
 164 city clerk a copy showing the names of electors entitled to vote at such primary or
 165 election."

166

SECTION 6.

167 Said chapter is further amended by revising subsection (b) of Code Section 21-2-225, relating
 168 to confidentiality of original registration applications, limitations on registration data
 169 available for public inspection, and data made available by Secretary of State, as follows:

170 "(b) Except as provided in Code Section 21-2-225.1, all data collected and maintained on
 171 electors whose names appear on the list of electors maintained by the Secretary of State
 172 pursuant to this article shall be available for public inspection with the exception of bank
 173 statements submitted pursuant to subsection (c) of Code Section 21-2-220 and
 174 subsection (c) of Code Section 21-2-417, the month and day of birth, the social security
 175 numbers, e-mail addresses, and driver's license numbers of the electors, and the locations
 176 at which the electors applied to register to vote, which shall remain confidential and shall
 177 be used only for voter registration purposes; provided, however, that any and all
 178 information relating to the dates of birth, social security numbers, and driver's license
 179 numbers of electors may be made available to other agencies of this state, to agencies of
 180 other states and territories of the United States, and to agencies of the federal government
 181 if the agency is authorized to maintain such information and the information is used only
 182 to identify the elector on the receiving agency's data base ~~and is not disseminated further~~
 183 and remains confidential. Information regarding an elector's year of birth shall be available
 184 for public inspection."

185

SECTION 7.

186 Said chapter is further amended by revising subsection (c) of Code Section 21-2-226, relating
 187 to duties of county board in determining eligibility of voters, maps of municipal boundaries,
 188 notice of ineligibility, issuance of registration cards, and reimbursement for postage cost, as
 189 follows:

190 "(c) It shall be the duty of each incorporated municipality located wholly or partially
 191 within the boundaries of a county to provide a detailed map showing the municipal
 192 boundaries, municipal precinct boundaries, and voting district boundaries to the county
 193 board of registrars no later than January 1, 1995, and within 15 days after ~~the preclearance~~
 194 ~~of any changes in such municipal boundaries, precinct boundaries, or voting district~~
 195 ~~boundaries pursuant to Section 5 of the federal Voting Rights Act of 1965 (42 U.S.C.~~
 196 ~~Section 1973c), as amended~~ any subsequent changes to such boundaries. Upon receiving
 197 any changes in municipal boundaries, the county board of registrars shall provide to the
 198 ~~municipal registrar~~ municipality a list of all voters affected by such changes with the street
 199 addresses of such electors for the purpose of verifying the changes with the municipality.
 200 Upon receiving the list of electors affected by changes in municipal boundaries, the

201 ~~municipal registrar~~ municipality shall immediately review the information provided by the
 202 county registrars and advise the county registrars of any discrepancies."

203 **SECTION 8.**

204 Said chapter is further amended by revising subsection (d) of Code Section 21-2-233, relating
 205 to comparison of change of address information supplied by United States Postal Service
 206 with electors list, removal from list of electors, and notice to electors, as follows:

207 "(d) Whenever an elector's name is removed from the list of electors by the county
 208 registrars because the elector has furnished in writing to the registrar a residence address
 209 that is located outside of the State of Georgia, the registrars shall notify the elector in
 210 writing at the elector's new address that the elector's name is being deleted from the list of
 211 electors. Whenever an elector's registration is transferred by the county registrars to
 212 another county in this state because the elector has furnished in writing to the registrar a
 213 residence address that is located in this state outside of the elector's present county of
 214 registration in accordance with subsection (c) of this Code section, the registrars of the
 215 county of the elector's former residence shall notify the elector in writing at the elector's
 216 new address that the elector's registration is being transferred to the new address. The
 217 registrars of the county of the elector's new address shall provide the elector with a new
 218 ~~registration precinct~~ card pursuant to Code Section 21-2-226."

219 **SECTION 9.**

220 Said chapter is further amended by revising subsection (d) of Code Section 21-2-234, relating
 221 to electors who have failed to vote and with whom there has been no contact in three years,
 222 confirmation notice requirements and procedure, and time for completion of list maintenance
 223 activities, as follows:

224 "(d) If the elector returns the card and shows that he or she has changed residence to a
 225 place outside of the State of Georgia, the elector's name shall be removed from the
 226 appropriate list of electors. If the elector confirms the change of address to an address
 227 outside of the boundaries of the county or municipality in which the elector is currently
 228 registered, the elector's name shall be removed from the appropriate list of electors and
 229 information shall be sent to the elector explaining how the elector can continue to be
 230 eligible to vote but still within the State of Georgia, the elector's registration shall be
 231 transferred to the new county or municipality. The Secretary of State or the registrars shall
 232 forward the confirmation card to the registrars of the county in which the elector's new
 233 address is located, and the registrars of the county of the new address shall update the voter
 234 registration list to reflect the change of address."

235 **SECTION 10.**

236 Said chapter is further amended by revising Code Section 21-2-380.1, relating to
237 appointment of absentee ballot clerk, as follows:

238 "21-2-380.1.

239 The governing authority of a municipality shall appoint an absentee ballot clerk who may
240 be the county registrar, ~~municipal registrar~~, or any other designated official and who shall
241 perform the duties set forth in this article."

242 **SECTION 11.**

243 Said chapter is further amended by revising subparagraph (a)(1)(G) of Code
244 Section 21-2-381, relating to making of application for absentee ballot, determination of
245 eligibility by ballot clerk, furnishing of applications to colleges and universities, and persons
246 entitled to make application, as follows:

247 "(G) Any elector meeting criteria of advanced age or disability specified by rule or
248 regulation of the State Election Board or any elector who is entitled to vote by absentee
249 ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42
250 U.S.C. Section 1973ff, et seq., as amended, may request in writing on one application
251 a ballot for a presidential preference primary held pursuant to Article 5 of this chapter
252 and for a primary as well as for any runoffs resulting therefrom and for the election for
253 which such primary shall nominate candidates as well as any runoffs resulting
254 therefrom. If not so requested by such person, a separate and distinct application shall
255 be required for each primary, run-off primary, election, and run-off election. Except
256 as otherwise provided in this subparagraph, a separate and distinct application for an
257 absentee ballot shall always be required ~~for the presidential preference primary held~~
258 ~~pursuant to Article 5 of this chapter~~ and for any special election or special primary."

259 **SECTION 12.**

260 Said chapter is further amended by revising paragraph (1) of subsection (c) of Code
261 Section 21-2-384, relating to preparation and delivery of supplies, mailing of ballots, oath
262 of absentee electors and persons assisting absentee electors, master list of ballots sent,
263 challenges, and electronic transmission of ballots, as follows:

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

266 I, the undersigned, do swear (or affirm) that I am a citizen of the United States and of
267 the State of Georgia; that my residence address is _____ County, Georgia, for
268 voting purposes; that I possess the qualifications of an elector required by the laws of
269 the State of Georgia; that I am entitled to vote in the precinct containing my residence

270 in the primary or election in which this ballot is to be cast; that I am eligible to vote by
 271 absentee ballot; that I have not marked or mailed any other absentee ballot, nor will I
 272 mark or mail another absentee ballot for voting in such primary or election; nor shall
 273 I vote therein in person; and that I have read and understand the instructions
 274 accompanying this ballot; and that I have carefully complied with such instructions in
 275 completing this ballot. I understand that the offer or acceptance of money or any other
 276 object of value to vote for any particular candidate, list of candidates, issue, or list of
 277 issues included in this election constitutes an act of voter fraud and is a felony under
 278 Georgia law.

279 _____
 280 Elector's Residence
 281 Address for Voting Purposes

282 _____
 283 ~~Month and Day~~ Year of
 284 Elector's Birth

285 _____
 286 Signature or Mark of Elector

287 Oath of Person Assisting Elector (if any):
 288 I, the undersigned, do swear (or affirm) that I assisted the above-named elector in
 289 marking such elector's absentee ballot as such elector personally communicated such
 290 elector's preference to me; and that such elector is entitled to receive assistance in
 291 voting under provisions of subsection (a) of Code Section 21-2-409.
 292 This, the _____ day of _____, _____.

293 _____
 294 Signature of Person Assisting
 295 Elector – Relationship

296 Reason for assistance (Check appropriate square):
 297 () Elector is unable to read the English language.
 298 () Elector requires assistance due to physical disability.
 299 The forms upon which such oaths are printed shall contain the following information:
 300 Georgia law provides, in subsection (b) of Code Section 21-2-409, that no person shall
 301 assist more than ten electors in any primary, election, or runoff in which there is no
 302 federal candidate on the ballot.

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

306 **SECTION 13.**

307 Said chapter is further amended by revising subsections (e) and (f) of Code Section 21-2-387,
 308 relating to pilot program for electronic handling of absentee ballots, requirements for pilot
 309 program, reporting, and termination of pilot program, as follows:

310 "(e) The Secretary of State shall review the results of the pilot program and shall provide
 311 the members of the General Assembly with a comprehensive report no later than 90 days
 312 following the ~~primary or general~~ election cycle in which such pilot program is used on the
 313 effectiveness of such pilot program with any recommendations for its continued use and
 314 any needed changes in such program for future ~~primaries and~~ elections.

315 (f) The pilot program shall be used in the first ~~primary or general~~ election cycle following:

316 (1) The inclusion in the Appropriations Act of a specific line item appropriation for
 317 funding of such pilot program or a determination by the Secretary of State that there is
 318 adequate funding through public or private funds, or a combination of public and private
 319 funds, to conduct the pilot program; provided, however, that no funds shall be accepted
 320 from registered political parties or political bodies for this purpose; and

321 (2) Certification by the Secretary of State that such pilot program is feasible and can be
 322 implemented for such ~~primary or general~~ election."

323 **SECTION 14.**

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

326 "(b)(1) In elections in which there is a federal candidate on the ballot, any elector who
 327 is entitled to receive assistance in voting under this Code section shall be permitted by
 328 the managers to select any person of the elector's choice except such elector's employer
 329 or agent of that employer or officer or agent of such elector's union to enter the voting
 330 compartment or booth with him or her to assist in voting, such assistance to be rendered
 331 inside the voting compartment or booth.

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

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

336 (B) The mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter,
 337 niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,

338 brother-in-law, sister-in-law, or attendant care provider of the elector entitled to receive
 339 assistance
 340 to enter the voting compartment or booth with him or her to assist in voting, such
 341 assistance to be rendered inside the voting compartment or booth. No person shall assist,
 342 under this paragraph, more than ten such electors in any primary, election, or runoff
 343 covered by this paragraph. No person whose name appears on the ballot as a candidate
 344 at a particular election nor the mother, father, grandparent, aunt, uncle, sister, brother,
 345 spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law,
 346 mother-in-law, father-in-law, brother-in-law, or sister-in-law of that candidate shall offer
 347 assistance during that particular election under the provisions of this ~~Code section~~
 348 paragraph to any voter who is not related to such candidate. For the purposes of this
 349 paragraph, 'related to such candidate' shall mean the candidate's mother, father,
 350 grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild,
 351 son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or
 352 sister-in-law."

353 **SECTION 15.**

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

358 "(a) No person shall solicit votes in any manner or by any means or method, nor shall any
 359 person distribute or display any campaign literature, newspaper, booklet, pamphlet, card,
 360 sign, paraphernalia, or any other written or printed matter of any kind, nor shall any person
 361 solicit signatures for any petition or conduct any exit poll or public opinion poll with
 362 voters, nor shall any person establish or set up any voter information or assistance tables,
 363 booths, or stations on any day in which ballots are being cast:

- 364 (1) Within 150 feet of the outer edge of any building within which a polling place is
 365 established;
 366 (2) Within any polling place; or
 367 (3) Within 25 feet of any voter standing in line to vote at any polling place.

368 These restrictions shall not apply to conduct occurring in private offices or areas which
 369 cannot be seen or heard by such electors."

370 "(c) ~~Reserved~~ Except for credentialed poll watchers, poll workers, and law enforcement
 371 officers, poll officers may manage the number of persons allowed in the polling place to
 372 prevent confusion, congestion, and inconvenience to voters."

373 **SECTION 16.**

374 Said chapter is further amended by revising subsection (a) of Code Section 21-2-418, relating
375 to provisional ballots, as follows:

376 "(a) If a person presents himself or herself at a polling place, absentee polling place, or
377 registration office in his or her county of residence in this state for the purpose of casting
378 a ballot in a primary or election ~~believing~~ stating a good faith belief that he or she has
379 timely registered to vote in that county for such primary or election and the person's name
380 does not appear on the list of registered electors, the person shall be entitled to cast a
381 provisional ballot in his or her county of residence in this state as provided in this Code
382 section."

383 **SECTION 17.**

384 Said chapter is further amended by revising subsection (c) of Code Section 21-2-500, relating
385 to delivery of voting materials, presentation to grand jury in certain cases, preservation and
386 destruction, and destruction of unused ballots, as follows:

387 "(c) Immediately upon completing the returns required by this article, the municipal
388 superintendent shall deliver in sealed containers to the city clerk the used and void ballots
389 and the stubs of all ballots used; one copy of the oaths of poll officers; and one copy of
390 each numbered list of voters, tally paper, voting machine paper proof sheet, and return
391 sheet involved in the primary or election. In addition, the municipal superintendent shall
392 deliver copies of the voting machine ballot labels, computer chips containing ballot
393 tabulation programs, copies of computer records of ballot design, and similar items or an
394 electronic record of the program by which votes are to be recorded or tabulated, which is
395 captured prior to the election, and which is stored on some alternative medium such as a
396 CD-ROM or floppy disk simultaneously with the programming of the PROM or other
397 memory storage device. Such ballots and other documents shall be preserved under seal
398 in the office of the city clerk for at least 24 months; and then they may be destroyed unless
399 otherwise provided by order of the mayor and council if a contest has been filed or by court
400 order, provided that the electors list, voter's certificates, and duplicate oaths of assisted
401 electors shall be immediately returned by the superintendent to the county ~~or municipal~~
402 registrar as appropriate."

403 **SECTION 18.**

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