

The House Committee on Rules offers the following substitute to SB 127:

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 that no person shall be eligible for or shall qualify for party nomination for or
3 election to public office if such person or such person's campaign committee from a previous
4 primary or election has certain outstanding late fees, fines, or penalties under the Ethics in
5 Government Act; to provide for exceptions; to require notice of write-in candidacy filings
6 to include an authorization by the candidate if such filings are not done by the candidate; to
7 eliminate references to municipal registrars; to revise certain terminology; to revise certain
8 forms of proof of citizenship; to provide for the dissemination of certain voter registration
9 information; to provide for the updating of municipal maps to the board of registrars; to
10 provide for the transfer of voter registration to another county in certain circumstances; to
11 provide for the provision of absentee ballots without additional request in certain
12 circumstances; to revise the information required on absentee ballot envelopes; to revise the
13 reporting requirements for a pilot project for electronic handling of absentee ballots; to
14 clarify assistance in voting procedures; to regulate certain activities within and within close
15 proximity to polling places; to clarify the procedures for use of provisional ballots; to provide
16 definitions; to provide for waivers of certain civil penalties and fees incurred by candidates
17 for local elected office; to provide for exceptions; to provide for refunds of certain civil
18 penalties and fees; to provide for an exception from contribution limitations for contributions
19 or expenditures made by a party caucus of the House of Representatives or the Senate in
20 support of a party ticket or a group of named candidates; to provide for related matters; to
21 provide an effective date; to repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

23 Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections, is
24 amended in Code Section 21-2-8, relating to eligibility for party nomination, public office,
25 or performance of certain official acts of persons convicted and sentenced for certain crimes,
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27 illegally holding any public funds, and effect of disqualification of superintendent, by
 28 designating the existing text as subsection (a) and adding a new subsection to read as
 29 follows:

30 "(b) No person shall be eligible for or shall qualify for party nomination for or election to
 31 public office if such person or such person's campaign committee from any previous
 32 primary or election has outstanding late fees, fines, or penalties pursuant to paragraph (14)
 33 of subsection (b) of Code Section 21-5-6, Code Section 21-5-7.1, or subsection (k) of Code
 34 Section 21-5-34; provided, however, that, if such person or person's campaign committee
 35 has a pending request for a waiver under Code Section 21-5-7.2 or if such waiver or any
 36 late fee, fine, or penalty has been appealed and such appeal is pending, such person shall
 37 be permitted to qualify."

38 SECTION 2.

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

42 "(a) No person elected on a write-in vote shall be eligible to hold office unless notice of
 43 his or her intention of candidacy was filed and published no earlier than January 1 and no
 44 later than the Tuesday after the first Monday in September prior to the election for county,
 45 state, and federal elections; no later than seven days after the close of the qualifying period
 46 for nonpartisan elections in the case of nonpartisan elections for state or county offices; no
 47 later than seven days after the close of the municipal qualifying period for municipal
 48 elections in the case of a general election; or no later than seven days after the close of the
 49 special election qualifying period for a special election by the person to be a write-in
 50 candidate or by some other person or group of persons qualified to vote in the subject
 51 election, as follows:

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

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

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

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

99 elections and registration, or a member of a joint county-municipal board of elections or
 100 joint county-municipal board of elections and registration shall be vacated immediately
 101 upon such officer's qualifying for any nomination or office to be voted for at a primary or
 102 election or qualifying for any nomination or office or qualifying to have such officer's
 103 name placed on any primary or election ballot pursuant to Code Sections 21-2-132
 104 and 21-2-153 or giving notice of such officer's intention of write-in candidacy; provided,
 105 however, that this Code section shall not apply to a chief deputy registrar who is also an
 106 elected public officer and who seeks to qualify for reelection to the public office such chief
 107 deputy registrar is presently holding. Nothing contained in this Code section shall cause
 108 the office of a member of a county ~~or municipal~~ board of registrars, deputy registrar,
 109 member of a county or municipal board of elections or county or municipal board of
 110 elections and registration, or a member of a joint county-municipal board of elections or
 111 joint county-municipal board of elections and registration to be vacated upon qualifying
 112 for or having such officer's name placed on the ballot or holding office in a political party
 113 or body or serving as a presidential elector.

114 (c) No member of a county ~~or municipal~~ board of registrars, deputy registrar, member of
 115 a county or municipal board of elections or county or municipal board of elections and
 116 registration, or a member of a joint county-municipal board of elections or joint
 117 county-municipal board of elections and registration, while conducting the duties of such
 118 person's office, shall engage in any political activity on behalf of a candidate, political party
 119 or body, or question, including, but not limited to, distributing campaign literature,
 120 engaging in any communication that advocates or criticizes a particular candidate,
 121 officeholder, or political party or body, and wearing badges, buttons, or clothing with
 122 partisan messages.

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

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

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

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

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SECTION 5.

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

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

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

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

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

(D) A presentation to the board of registrars of the applicant's United States naturalization documents or the alien registration number from the applicant's naturalization documents. If only the applicant's alien registration number is provided, the applicant shall not be found eligible to vote until the applicant's alien registration number is verified with the United States Citizenship and Immigration Services by the board of registrars;

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

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

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

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SECTION 6.

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

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

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SECTION 7.

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

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"(b) Except as provided in Code Section 21-2-225.1, all data collected and maintained on electors whose names appear on the list of electors maintained by the Secretary of State pursuant to this article shall be available for public inspection with the exception of bank statements submitted pursuant to subsection (c) of Code Section 21-2-220 and subsection (c) of Code Section 21-2-417, the month and day of birth, the social security numbers, e-mail addresses, and driver's license numbers of the electors, and the locations at which the electors applied to register to vote, which shall remain confidential and shall be used only for voter registration purposes; provided, however, that any and all information relating to the dates of birth, social security numbers, and driver's license numbers of electors may be made available to other agencies of this state, to agencies of other states and territories of the United States, and to agencies of the federal government if the agency is authorized to maintain such information and the information is used only

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204 to identify the elector on the receiving agency's data base ~~and is not disseminated further~~
 205 and remains confidential. Information regarding an elector's year of birth shall be available
 206 for public inspection."

207 SECTION 8.

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

212 "(c) It shall be the duty of each incorporated municipality located wholly or partially
 213 within the boundaries of a county to provide a detailed map showing the municipal
 214 boundaries, municipal precinct boundaries, and voting district boundaries to the county
 215 board of registrars no later than January 1, 1995, and within 15 days after ~~the preclearance~~
 216 ~~of any changes in such municipal boundaries, precinct boundaries, or voting district~~
 217 ~~boundaries pursuant to Section 5 of the federal Voting Rights Act of 1965 (42 U.S.C.~~
 218 ~~Section 1973c), as amended~~ any subsequent changes to such boundaries. Upon receiving
 219 any changes in municipal boundaries, the county board of registrars shall provide to the
 220 ~~municipal registrar~~ municipality a list of all voters affected by such changes with the street
 221 addresses of such electors for the purpose of verifying the changes with the municipality.
 222 Upon receiving the list of electors affected by changes in municipal boundaries, the
 223 ~~municipal registrar~~ municipality shall immediately review the information provided by the
 224 county registrars and advise the county registrars of any discrepancies."

225 SECTION 9.

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

229 "(d) Whenever an elector's name is removed from the list of electors by the county
 230 registrars because the elector has furnished in writing to the registrar a residence address
 231 that is located outside of the State of Georgia, the registrars shall notify the elector in
 232 writing at the elector's new address that the elector's name is being deleted from the list of
 233 electors. Whenever an elector's registration is transferred by the county registrars to
 234 another county in this state because the elector has furnished in writing to the registrar a
 235 residence address that is located in this state outside of the elector's present county of
 236 registration in accordance with subsection (c) of this Code section, the registrars of the
 237 county of the elector's former residence shall notify the elector in writing at the elector's
 238 new address that the elector's registration is being transferred to the new address. The

239 registrars of the county of the elector's new address shall provide the elector with a new
 240 ~~registration precinct~~ card pursuant to Code Section 21-2-226."

241 **SECTION 10.**

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

246 "(d) If the elector returns the card and shows that he or she has changed residence to a
 247 place outside of the State of Georgia, the elector's name shall be removed from the
 248 appropriate list of electors. If the elector confirms the change of address to an address
 249 outside of the boundaries of the county or municipality in which the elector is currently
 250 registered, ~~the elector's name shall be removed from the appropriate list of electors and~~
 251 ~~information shall be sent to the elector explaining how the elector can continue to be~~
 252 eligible to vote but still within the State of Georgia, the elector's registration shall be
 253 transferred to the new county or municipality. The Secretary of State or the registrars shall
 254 forward the confirmation card to the registrars of the county in which the elector's new
 255 address is located, and the registrars of the county of the new address shall update the voter
 256 registration list to reflect the change of address."

257 **SECTION 11.**

258 Said title is further amended by revising Code Section 21-2-380.1, relating to appointment
 259 of absentee ballot clerk, as follows:

260 "21-2-380.1.

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

264 **SECTION 12.**

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

269 "(G) Any elector meeting criteria of advanced age or disability specified by rule or
 270 regulation of the State Election Board or any elector who is entitled to vote by absentee
 271 ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42
 272 U.S.C. Section 1973ff, et seq., as amended, may request in writing on one application

273 a ballot for a presidential preference primary held pursuant to Article 5 of this chapter
 274 and for a primary as well as for any runoffs resulting therefrom and for the election for
 275 which such primary shall nominate candidates as well as any runoffs resulting
 276 therefrom. If not so requested by such person, a separate and distinct application shall
 277 be required for each primary, run-off primary, election, and run-off election. Except
 278 as otherwise provided in this subparagraph, a separate and distinct application for an
 279 absentee ballot shall always be required ~~for the presidential preference primary held~~
 280 ~~pursuant to Article 5 of this chapter~~ and for any special election or special primary."

281 **SECTION 13.**

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

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

288 I, the undersigned, do swear (or affirm) that I am a citizen of the United States and of
 289 the State of Georgia; that my residence address is _____ County, Georgia, for
 290 voting purposes; that I possess the qualifications of an elector required by the laws of
 291 the State of Georgia; that I am entitled to vote in the precinct containing my residence
 292 in the primary or election in which this ballot is to be cast; that I am eligible to vote by
 293 absentee ballot; that I have not marked or mailed any other absentee ballot, nor will I
 294 mark or mail another absentee ballot for voting in such primary or election; nor shall
 295 I vote therein in person; and that I have read and understand the instructions
 296 accompanying this ballot; and that I have carefully complied with such instructions in
 297 completing this ballot. I understand that the offer or acceptance of money or any other
 298 object of value to vote for any particular candidate, list of candidates, issue, or list of
 299 issues included in this election constitutes an act of voter fraud and is a felony under
 300 Georgia law.

301 _____
 302 Elector's Residence
 303 Address for Voting Purposes

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 305 ~~Month and Day~~ Year of
 306 Elector's Birth

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Signature or Mark of Elector

Oath of Person Assisting Elector (if any):

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

This, the _____ day of _____, _____.

Signature of Person Assisting
Elector – Relationship

Reason for assistance (Check appropriate square):

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

The forms upon which such oaths are printed shall contain the following information:
Georgia law provides, in subsection (b) of Code Section 21-2-409, that no person shall assist more than ten electors in any primary, election, or runoff in which there is no federal candidate on the ballot.
Georgia law further provides that any person who knowingly falsifies information so as to vote illegally by absentee ballot or who illegally gives or receives assistance in voting, as specified in Code Section 21-2-568 or 21-2-573, shall be guilty of a felony."

SECTION 14.

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

- "(e) The Secretary of State shall review the results of the pilot program and shall provide the members of the General Assembly with a comprehensive report no later than 90 days following the ~~primary or general~~ election cycle in which such pilot program is used on the effectiveness of such pilot program with any recommendations for its continued use and any needed changes in such program for future ~~primaries and~~ elections.
- (f) The pilot program shall be used in the first ~~primary or general~~ election cycle following:
 - (1) The inclusion in the Appropriations Act of a specific line item appropriation for funding of such pilot program or a determination by the Secretary of State that there is adequate funding through public or private funds, or a combination of public and private

341 funds, to conduct the pilot program; provided, however, that no funds shall be accepted
 342 from registered political parties or political bodies for this purpose; and
 343 (2) Certification by the Secretary of State that such pilot program is feasible and can be
 344 implemented for such ~~primary or general~~ election."

345 SECTION 15.

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

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

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

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

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

362 to enter the voting compartment or booth with him or her to assist in voting, such
 363 assistance to be rendered inside the voting compartment or booth. No person shall assist,
 364 under this paragraph, more than ten such electors in any primary, election, or runoff
 365 covered by this paragraph. No person whose name appears on the ballot as a candidate
 366 at a particular election nor the mother, father, grandparent, aunt, uncle, sister, brother,
 367 spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law,
 368 mother-in-law, father-in-law, brother-in-law, or sister-in-law of that candidate shall offer
 369 assistance during that particular election under the provisions of this ~~Code section~~
 370 paragraph to any voter who is not related to such candidate. For the purposes of this
 371 paragraph, 'related to such candidate' shall mean the candidate's mother, father,
 372 grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild,
 373 son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or
 374 sister-in-law."

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SECTION 16.

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

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

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(1) Within 150 feet of the outer edge of any building within which a polling place is established;

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(2) Within any polling place; or

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(3) Within 25 feet of any voter standing in line to vote at any polling place.

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

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

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SECTION 17.

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

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

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SECTION 18.

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

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

425 **SECTION 19.**

426 Said title is further amended in Code Section 21-5-3, relating to definitions, by revising
 427 paragraph (12) and adding new paragraphs (5.1), (10.1), and (12.1) to read as follows:

428 "(5.1) 'Communication' means:

429 (A) A paid advertisement broadcast over radio, television, cable, or satellite;

430 (B) A paid placement of content on the Internet or other electronic communication
 431 networks;

432 (C) A paid advertisement published in a periodical or on a billboard;

433 (D) Paid telephone communications that are directed to 100 or more households;

434 (E) Mailings that are sent or distributed to 100 or more households; or

435 (F) Printed materials that exceed 1,000 copies."

436 "(10.1) 'Election targeted issue advocacy' means any communication other than express
 437 election advocacy made within 180 days of an election that:

438 (A) Refers to one or more clearly identified candidates in such election;

439 (B) Depicts the name, image, likeness, or voice of one or more clearly identified
 440 candidates in such election;

441 (C) Refers to a political party or body having candidates on the ballot at such election;

442 or

443 (D) Refers to a constitutional amendment, referendum, or other question being
 444 submitted to the voters in such election."

445 "(12) 'Expenditure' means a purchase, payment, distribution, loan, advance, deposit, or
 446 any transfer of money or anything of value made for the purpose of influencing the
 447 nomination for election or election of any person, bringing about the recall of a public
 448 officer holding elective office or opposing the recall of a public officer holding elective
 449 office, or the influencing of voter approval or rejection of a proposed constitutional
 450 amendment, a state-wide referendum, or a proposed question which is to appear on the
 451 ballot in this state or in a county or a municipal election in this state. The term
 452 specifically shall not include the value of personal services performed by persons who
 453 serve without compensation from any source and on a voluntary basis. The term
 454 'expenditure' shall also include the payment of a qualifying fee for and on behalf of a
 455 candidate. The term shall include the purchase of or payment for communications for
 456 express election advocacy and election targeted issue advocacy.

457 (12.1) 'Express election advocacy' means any communication made at any time that:

458 (A) Contains express words, such as 'vote,' 'oppose,' 'support,' 'elect,' 'defeat,' or 'reject,'
 459 which call for the nomination, election, or defeat of one or more clearly identified
 460 candidates, the election or defeat of one or more political parties or bodies, or the
 461 passage or defeat of one or more constitutional amendments, referenda, or other
 462 questions submitted to the voters in any election; or

463 (B) Otherwise refers to or depicts one or more clearly identified candidates, political
 464 parties or bodies, or constitutional amendments, referenda, or other questions submitted
 465 to the voters in a manner that is susceptible to no reasonable interpretation other than
 466 as a call for the nomination, election, or defeat of such candidates in an election, the
 467 election or defeat of such political parties or bodies, or the passage or defeat of
 468 constitutional amendments, referenda, or other questions submitted to the voters in any
 469 election."

470 SECTION 20.

471 Said title is further amended by adding a new Code section to read as follows:

472 "21-5-7.2.

473 (a) Upon written request of a candidate or in a response by the candidate to any
 474 notification from the commission alleging noncompliance with the provisions of this
 475 chapter for filings required between January 1, 2010, and January 10, 2014, the
 476 commission shall be authorized to waive late fees, fines, and civil penalties incurred by
 477 candidates for public office for those offices defined in subparagraphs (F) and (G) of
 478 paragraph (22) of Code Section 21-5-3 regarding the late, incomplete, or nonfiling of
 479 campaign disclosure reports and personal financial disclosure reports. Such request or
 480 response shall be filed not later than December 31, 2015.

481 (b) For candidates who paid late fees, fines, or civil penalties between January 1, 2014,
482 and the effective date of this Code section based upon alleged noncompliance with the
483 provisions of this chapter for filings required between January 1, 2010, and January 10,
484 2014, such candidates may make a written request to the commission for a waiver under
485 this Code section, and, if granted, the commission may refund such late fees, fines, and
486 civil penalties to the candidate and shall expunge all of the alleged violations which were
487 the basis of such late fees, fines, or civil penalties from the candidate's records. Such
488 request shall be filed not later than December 31, 2015.

489 (c) With regard to filings which were required under this chapter during the period
490 between January 1, 2010, and January 10, 2014, there shall be a rebuttable presumption
491 that all candidates for a public office for those offices defined in subparagraphs (F) and (G)
492 of paragraph (22) of Code Section 21-5-3 timely filed or attempted to file the required
493 reports but were unable to do so as a result of the problems with the commission's
494 computer system during such time period. Such rebuttable presumption may be overcome
495 by proof that such candidate knowingly and willfully refused to file the required report
496 during such period.

497 (d) The commission shall approve or deny each request for waiver within 12 months after
498 receipt of the request by the commission. If such request for a waiver is denied, the
499 candidate may, within 30 days following the candidate's receipt of notice of the denial,
500 demand a hearing on such request for a waiver before the Office of State Administrative
501 Hearings.

502 (e) In the event that the commission grants a waiver under this Code section and within
503 two years following the effective date of this Code section discovers evidence that the
504 person to whom such waiver was granted was guilty of knowingly and willfully refusing
505 to file the report or reports for which such waiver was granted, the commission may revoke
506 such waiver, reimpose all such late fees, fines, and penalties, and take such further actions
507 as the commission is authorized to do as if such waiver had never been granted."

508 **SECTION 21.**

509 Said title is further amended in Code Section 21-5-41, relating to maximum allowable
510 contributions, by revising subsection (j) as follows:

511 "(j) The contribution limitations provided for in this Code section shall not include
512 contributions or expenditures made by a political party or party caucus of the House of
513 Representatives or the Senate in support of a party ticket or a group of named candidates."

514

SECTION 22.

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This Act shall become effective upon its approval by the Governor or upon its becoming law

516

without such approval.

517

SECTION 23.

518

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