

COMMITTEE OF CONFERENCE 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 related matters; to provide an effective date; to repeal  
 19 conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **SECTION 1.**

22 Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections, is  
 23 amended in Code Section 21-2-8, relating to eligibility for party nomination, public office,  
 24 or performance of certain official acts of persons convicted and sentenced for certain crimes,  
 25 illegally holding any public funds, and effect of disqualification of superintendent, by

26 designating the existing text as subsection (a) and adding a new subsection to read as  
27 follows:

28 "(b)(1) No person shall be eligible as a candidate for party nomination for or election to  
29 a public office as defined in subparagraphs (A), (B), (C), or (D) of paragraph (22) of  
30 Code Section 21-5-3 if such person or such person's campaign committee has outstanding  
31 late fees, fines, or penalties from any previous primary or election pursuant to  
32 paragraph (14) of subsection (b) of Code Section 21-5-6, Code Section 21-5-7.1, or  
33 subsection (k) of Code Section 21-5-34 which have become final and from which no  
34 appeal is pending. However, if a person who qualifies for party nomination for or  
35 election to a public office or such person's campaign committee has any such outstanding  
36 late fees, fines, or penalties from any previous primary or election pursuant to  
37 paragraph (14) of subsection (b) of Code Section 21-5-6, Code Section 21-5-7.1, or  
38 subsection (k) of Code Section 21-5-34 which have become final and from which no  
39 appeal is pending, such person shall not be subject to disqualification from seeking such  
40 nomination or office unless such person is given written notification by the Secretary of  
41 State of the existence of such outstanding late fees, fines, or penalties and such candidate  
42 does not within ten calendar days following such notice pay such fees, fines, or penalties  
43 in full.

44 (2) On and after January 1, 2017, no person shall be eligible as a candidate for party  
45 nomination for or election to a public office as defined in subparagraphs (F) or (G) of  
46 paragraph (22) of Code Section 21-5-3 if such person or such person's campaign  
47 committee has outstanding late fees, fines, or penalties from any previous primary or  
48 election pursuant to paragraph (14) of subsection (b) of Code Section 21-5-6, Code  
49 Section 21-5-7.1, or subsection (k) of Code Section 21-5-34 which have become final and  
50 from which no appeal is pending. However, if a person who qualifies for party  
51 nomination for or election to a public office or such person's campaign committee has any  
52 such outstanding late fees, fines, or penalties from any previous primary or election  
53 pursuant to paragraph (14) of subsection (b) of Code Section 21-5-6, Code  
54 Section 21-5-7.1, or subsection (k) of Code Section 21-5-34 which have become final and  
55 from which no appeal is pending, such person shall not be subject to disqualification from  
56 seeking such nomination or office unless such person is given written notification by the  
57 election superintendent of the existence of such outstanding late fees, fines, or penalties  
58 and such candidate does not within ten calendar days following such notice pay such fees,  
59 fines, or penalties in full."

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## SECTION 2.

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

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

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

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

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

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

## SECTION 3.

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

~~"(c) The governing authority of each municipality shall appoint registrars as necessary, and the appointments shall be entered on the minutes of such governing authority. The municipal governing authority shall designate one of the registrars as chief registrar. The chief registrar will serve as such during such registrar's term of office, and such designation shall likewise be entered on the minutes of such governing authority. Such registrars shall serve at the pleasure of the municipal governing authority, and compensation of the~~

96 ~~registrars shall be fixed by such governing authority. Any registrar shall have the right to~~  
 97 ~~resign at any time by submitting a resignation to such governing authority. In the event of~~  
 98 ~~any such removal or resignation of a registrar, such registrar's duties and authority as such~~  
 99 ~~shall terminate instantly. Successors to resigned registrars shall be appointed by the~~  
 100 ~~municipal governing authority. Each appointment or change in designation shall be entered~~  
 101 ~~on the minutes of such governing authority and certified by the governing authority. The~~  
 102 ~~municipal governing authority may furnish such employees and facilities as it deems~~  
 103 ~~necessary for the operation of the office and the affairs of the registrars Reserved.~~"

104 **SECTION 4.**

105 Said title is further amended by revising Code Section 21-2-214, relating to qualifications of  
 106 registrars and deputy registrars, prohibited political activities, oath of office, privilege from  
 107 arrest, and duties conducted in public, as follows:

108 "21-2-214.

109 (a) Members of the board of registrars shall be electors of ~~the~~ this state and the county in  
 110 which they serve, and any deputy registrars shall be electors of ~~the~~ this state. All registrars  
 111 shall be able to read, write, and speak the English language. ~~Municipal registrars shall be~~  
 112 ~~registered Georgia voters and shall be able to read, write, and speak the English language.~~  
 113 Registrars and deputy registrars shall have never been convicted of a felony involving  
 114 moral turpitude unless such person's civil rights have been restored and at least ten years  
 115 have elapsed from the date of the completion of the sentence without a subsequent  
 116 conviction of another felony involving moral turpitude and shall never have been convicted  
 117 of a crime involving fraud, and the appointing authority shall be authorized to investigate  
 118 the applicant's criminal history before making such appointment.

119 (b) The office of a member of a county ~~or municipal~~ board of registrars, a deputy registrar,  
 120 member of a county or municipal board of elections or county or municipal board of  
 121 elections and registration, or a member of a joint county-municipal board of elections or  
 122 joint county-municipal board of elections and registration shall be vacated immediately  
 123 upon such officer's qualifying for any nomination or office to be voted for at a primary or  
 124 election or qualifying for any nomination or office or qualifying to have such officer's  
 125 name placed on any primary or election ballot pursuant to Code Sections 21-2-132  
 126 and 21-2-153 or giving notice of such officer's intention of write-in candidacy; provided,  
 127 however, that this Code section shall not apply to a chief deputy registrar who is also an  
 128 elected public officer and who seeks to qualify for reelection to the public office such chief  
 129 deputy registrar is presently holding. Nothing contained in this Code section shall cause  
 130 the office of a member of a county ~~or municipal~~ board of registrars, deputy registrar,  
 131 member of a county or municipal board of elections or county or municipal board of

132 elections and registration, or a member of a joint county-municipal board of elections or  
 133 joint county-municipal board of elections and registration to be vacated upon qualifying  
 134 for or having such officer's name placed on the ballot or holding office in a political party  
 135 or body or serving as a presidential elector.

136 (c) No member of a county ~~or municipal~~ board of registrars, deputy registrar, member of  
 137 a county or municipal board of elections or county or municipal board of elections and  
 138 registration, or a member of a joint county-municipal board of elections or joint  
 139 county-municipal board of elections and registration, while conducting the duties of such  
 140 person's office, shall engage in any political activity on behalf of a candidate, political party  
 141 or body, or question, including, but not limited to, distributing campaign literature,  
 142 engaging in any communication that advocates or criticizes a particular candidate,  
 143 officeholder, or political party or body, and wearing badges, buttons, or clothing with  
 144 partisan messages.

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

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

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

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

## 155 SECTION 5.

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

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

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

- 167 license or identification card that the applicant has provided satisfactory evidence of  
 168 United States citizenship to the agency;
- 169 (B) A legible photocopy of the applicant's birth certificate that verifies citizenship to  
 170 the satisfaction of the board of registrars;
- 171 (C) A legible photocopy of pertinent pages of the applicant's United States passport  
 172 identifying the applicant and the applicant's passport number or presentation to the  
 173 board of registrars of the applicant's United States passport;
- 174 (D) A presentation to the board of registrars of the applicant's United States  
 175 naturalization documents or the alien registration number from the applicant's  
 176 naturalization documents. If only the applicant's alien registration number is provided,  
 177 the applicant shall not be found eligible to vote until the applicant's alien registration  
 178 number is verified with the United States Citizenship and Immigration Services by the  
 179 board of registrars;
- 180 (E) Other documents or methods of proof that are established pursuant to the federal  
 181 Immigration Reform and Control Act of 1986 (P. L. 99-603);
- 182 (F) ~~The~~ A legible photocopy of the applicant's Bureau of Indian Affairs card number,  
 183 tribal treaty card number, or tribal enrollment number card that verifies citizenship to  
 184 the satisfaction of the board of registrars; and
- 185 (G) For residents of this state who are United States citizens but are not in possession  
 186 of any of the documents or methods of proof enumerated under subparagraphs (A)  
 187 through (F) of this paragraph, other documents or methods of proof for establishing  
 188 evidence of United States citizenship which shall be promulgated by rule and regulation  
 189 of the State Election Board."

190 **SECTION 6.**

191 Said title is further amended by revising subsection (e) of Code Section 21-2-224, relating  
 192 to registration deadlines, restrictions on voting in primaries, official list of electors, and  
 193 voting procedure when portion of county changed from one county to another, as follows:  
 194 "(e) The county board of registrars shall deliver to ~~the chief registrar of the municipality,~~  
 195 upon a basis mutually agreed upon between the county board of registrars and the  
 196 governing authority of the municipality, a copy of the list of electors for the municipality  
 197 for the primary or election. Such list shall be delivered not earlier than the fifth Monday  
 198 prior to a primary or election and not later than 21 days prior to such primary or election  
 199 for the purpose of permitting the ~~chief registrar of the municipality~~ to check the accuracy  
 200 of the list. The ~~municipal registrar~~ municipality shall, upon receipt of the county  
 201 registration list, or as soon as practicable thereafter but in no event later than five days prior  
 202 to such primary or election, review such list and identify in writing to the county board of

203 registrars any names on the electors list of persons who are not qualified to vote at such  
 204 primary or election, stating the reason for disqualification. The county board of registrars  
 205 shall challenge the persons identified in accordance with Code Section 21-2-228. In  
 206 addition, the county board of registrars shall provide a list of inactive electors for the  
 207 municipality. The ~~municipal registrar~~ municipality shall certify such lists and file with the  
 208 city clerk a copy showing the names of electors entitled to vote at such primary or  
 209 election."

#### 210 SECTION 7.

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

214 "(b) Except as provided in Code Section 21-2-225.1, all data collected and maintained on  
 215 electors whose names appear on the list of electors maintained by the Secretary of State  
 216 pursuant to this article shall be available for public inspection with the exception of bank  
 217 statements submitted pursuant to subsection (c) of Code Section 21-2-220 and  
 218 subsection (c) of Code Section 21-2-417, the month and day of birth, the social security  
 219 numbers, e-mail addresses, and driver's license numbers of the electors, and the locations  
 220 at which the electors applied to register to vote, which shall remain confidential and shall  
 221 be used only for voter registration purposes; provided, however, that any and all  
 222 information relating to the dates of birth, social security numbers, and driver's license  
 223 numbers of electors may be made available to other agencies of this state, to agencies of  
 224 other states and territories of the United States, and to agencies of the federal government  
 225 if the agency is authorized to maintain such information and the information is used only  
 226 to identify the elector on the receiving agency's data base ~~and is not disseminated further~~  
 227 and remains confidential. Information regarding an elector's year of birth shall be available  
 228 for public inspection."

#### 229 SECTION 8.

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

234 "(c) It shall be the duty of each incorporated municipality located wholly or partially  
 235 within the boundaries of a county to provide a detailed map showing the municipal  
 236 boundaries, municipal precinct boundaries, and voting district boundaries to the county  
 237 board of registrars no later than January 1, 1995, and within 15 days after ~~the preclearance~~

238 ~~of any changes in such municipal boundaries, precinct boundaries, or voting district~~  
 239 ~~boundaries pursuant to Section 5 of the federal Voting Rights Act of 1965 (42 U.S.C.~~  
 240 ~~Section 1973c), as amended any subsequent changes to such boundaries. Upon receiving~~  
 241 any changes in municipal boundaries, the county board of registrars shall provide to the  
 242 ~~municipal registrar~~ municipality a list of all voters affected by such changes with the street  
 243 addresses of such electors for the purpose of verifying the changes with the municipality.  
 244 Upon receiving the list of electors affected by changes in municipal boundaries, the  
 245 ~~municipal registrar~~ municipality shall immediately review the information provided by the  
 246 county registrars and advise the county registrars of any discrepancies."

247 **SECTION 9.**

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

251 "(d) Whenever an elector's name is removed from the list of electors by the county  
 252 registrars because the elector has furnished in writing to the registrar a residence address  
 253 that is located outside of the State of Georgia, the registrars shall notify the elector in  
 254 writing at the elector's new address that the elector's name is being deleted from the list of  
 255 electors. Whenever an elector's registration is transferred by the county registrars to  
 256 another county in this state because the elector has furnished in writing to the registrar a  
 257 residence address that is located in this state outside of the elector's present county of  
 258 registration in accordance with subsection (c) of this Code section, the registrars of the  
 259 county of the elector's former residence shall notify the elector in writing at the elector's  
 260 new address that the elector's registration is being transferred to the new address. The  
 261 registrars of the county of the elector's new address shall provide the elector with a new  
 262 ~~registration~~ precinct card pursuant to Code Section 21-2-226."

263 **SECTION 10.**

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

268 "(d) If the elector returns the card and shows that he or she has changed residence to a  
 269 place outside of the State of Georgia, the elector's name shall be removed from the  
 270 appropriate list of electors. If the elector confirms the change of address to an address  
 271 outside of the boundaries of the county or municipality in which the elector is currently  
 272 registered, ~~the elector's name shall be removed from the appropriate list of electors and~~

273 ~~information shall be sent to the elector explaining how the elector can continue to be~~  
 274 ~~eligible to vote but still within the State of Georgia, the elector's registration shall be~~  
 275 ~~transferred to the new county or municipality. The Secretary of State or the registrars shall~~  
 276 ~~forward the confirmation card to the registrars of the county in which the elector's new~~  
 277 ~~address is located, and the registrars of the county of the new address shall update the voter~~  
 278 ~~registration list to reflect the change of address."~~

279 **SECTION 11.**

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

282 "21-2-380.1.

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

286 **SECTION 12.**

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

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

303 **SECTION 13.**

304 Said title is further amended by revising paragraph (1) of subsection (c) of Code  
 305 Section 21-2-384, relating to preparation and delivery of supplies, mailing of ballots, oath

306 of absentee electors and persons assisting absentee electors, master list of ballots sent,  
307 challenges, and electronic transmission of ballots, as follows:

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

310 I, the undersigned, do swear (or affirm) that I am a citizen of the United States and of  
311 the State of Georgia; that my residence address is \_\_\_\_\_ County, Georgia, for  
312 voting purposes; that I possess the qualifications of an elector required by the laws of  
313 the State of Georgia; that I am entitled to vote in the precinct containing my residence  
314 in the primary or election in which this ballot is to be cast; that I am eligible to vote by  
315 absentee ballot; that I have not marked or mailed any other absentee ballot, nor will I  
316 mark or mail another absentee ballot for voting in such primary or election; nor shall  
317 I vote therein in person; and that I have read and understand the instructions  
318 accompanying this ballot; and that I have carefully complied with such instructions in  
319 completing this ballot. I understand that the offer or acceptance of money or any other  
320 object of value to vote for any particular candidate, list of candidates, issue, or list of  
321 issues included in this election constitutes an act of voter fraud and is a felony under  
322 Georgia law.

323 \_\_\_\_\_  
324 Elector's Residence  
325 Address for Voting Purposes

326 \_\_\_\_\_  
327 ~~Month and Day~~ Year of  
328 Elector's Birth

329 \_\_\_\_\_  
330 Signature or Mark of Elector

331 Oath of Person Assisting Elector (if any):

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

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

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Signature of Person Assisting

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Elector – Relationship

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Reason for assistance (Check appropriate square):

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 Elector is unable to read the English language.

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 Elector requires assistance due to physical disability.

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

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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.

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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."

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**SECTION 14.**

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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:

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"(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.

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

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(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 funds, to conduct the pilot program; provided, however, that no funds shall be accepted from registered political parties or political bodies for this purpose; and

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

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**SECTION 15.**

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

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"(b)(1) In elections in which there is a federal candidate on the ballot, any elector who is entitled to receive assistance in voting under this Code section shall be permitted by

372 the managers to select any person of the elector's choice except such elector's employer  
 373 or agent of that employer or officer or agent of such elector's union to enter the voting  
 374 compartment or booth with him or her to assist in voting, such assistance to be rendered  
 375 inside the voting compartment or booth.

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

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

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

384 to enter the voting compartment or booth with him or her to assist in voting, such  
 385 assistance to be rendered inside the voting compartment or booth. No person shall assist,  
 386 under this paragraph, more than ten such electors in any primary, election, or runoff  
 387 covered by this paragraph. No person whose name appears on the ballot as a candidate  
 388 at a particular election nor the mother, father, grandparent, aunt, uncle, sister, brother,  
 389 spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law,  
 390 mother-in-law, father-in-law, brother-in-law, or sister-in-law of that candidate shall offer  
 391 assistance during that particular election under the provisions of this ~~Code section~~  
 392 paragraph to any voter who is not related to such candidate. For the purposes of this  
 393 paragraph, 'related to such candidate' shall mean the candidate's mother, father,  
 394 grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild,  
 395 son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or  
 396 sister-in-law."

### 397 **SECTION 16.**

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

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

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

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

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

417 **SECTION 17.**

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

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

427 **SECTION 18.**

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

431 "(c) Immediately upon completing the returns required by this article, the municipal  
 432 superintendent shall deliver in sealed containers to the city clerk the used and void ballots  
 433 and the stubs of all ballots used; one copy of the oaths of poll officers; and one copy of  
 434 each numbered list of voters, tally paper, voting machine paper proof sheet, and return  
 435 sheet involved in the primary or election. In addition, the municipal superintendent shall  
 436 deliver copies of the voting machine ballot labels, computer chips containing ballot  
 437 tabulation programs, copies of computer records of ballot design, and similar items or an  
 438 electronic record of the program by which votes are to be recorded or tabulated, which is  
 439 captured prior to the election, and which is stored on some alternative medium such as a  
 440 CD-ROM or floppy disk simultaneously with the programming of the PROM or other  
 441 memory storage device. Such ballots and other documents shall be preserved under seal  
 442 in the office of the city clerk for at least 24 months; and then they may be destroyed unless

443 otherwise provided by order of the mayor and council if a contest has been filed or by court  
 444 order, provided that the electors list, voter's certificates, and duplicate oaths of assisted  
 445 electors shall be immediately returned by the superintendent to the county or municipal  
 446 registrar as appropriate."

#### 447 SECTION 19.

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

449 "21-5-7.2.

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

459 (b) For candidates for public office for those offices defined in subparagraphs (F) and (G)  
 460 of paragraph (22) of Code Section 21-5-3 who paid late fees, fines, or civil penalties  
 461 between January 1, 2014, and the effective date of this Code section based upon alleged  
 462 noncompliance with the provisions of this chapter for filings required between  
 463 January 1, 2010, and January 10, 2014, such candidates may make a written request to the  
 464 commission for a waiver under this Code section, and, if granted, the commission, subject  
 465 to appropriation, shall refund such late fees, fines, and civil penalties to the candidate. Such  
 466 request shall be filed not later than December 31, 2015.

467 (c) With regard to filings which were required under this chapter during the period  
 468 between January 1, 2010, and January 10, 2014, there shall be a rebuttable presumption  
 469 that a candidate for a public office defined in subparagraphs (F) and (G) of paragraph (22)  
 470 of Code Section 21-5-3 timely filed or attempted to file the required reports but was unable  
 471 to do so as a result of the problems with the commission's computer system during such  
 472 time period, provided that such candidate files an affidavit with the commission that such  
 473 candidate made or attempted to make such filings. Such rebuttable presumption may be  
 474 overcome by proof by clear and convincing evidence that such candidate failed to file the  
 475 required report during such period.

476 (d) With regard to filings which were required under this chapter during the period  
 477 between January 1, 2010, and January 10, 2014, there shall be a waiver of all fines,  
 478 penalties, and fees for a candidate for public office for those offices defined in

479 subparagraphs (F) and (G) of paragraph (22) of Code Section 21-5-3, provided that such  
480 candidate files an affidavit with the commission not later than December 31, 2015, stating  
481 that such candidate did not accept a combined total of contributions exceeding \$2,500.00  
482 for the election cycle for which such fines, penalties, or fees were incurred and did not  
483 make a combined total of expenditures exceeding \$2,500.00 for the election cycle for  
484 which such fines, penalties, and fees were incurred.

485 (e) The commission shall approve or deny each request for waiver within nine months  
486 after receipt of the request by the commission. If such request for a waiver is denied, the  
487 candidate may, within 30 days following the candidate's receipt of notice of the denial,  
488 demand a hearing on such request for a waiver before the Office of State Administrative  
489 Hearings.

490 (f) In the event that the commission grants a waiver under this Code section and within  
491 two years following the effective date of this Code section determines by clear and  
492 convincing evidence that the person to whom such waiver was granted failed to file the  
493 report or reports for which such waiver was granted or that the affidavit submitted under  
494 subsection (d) of this Code section was false, the commission may revoke such waiver,  
495 reimpose all such late fees, fines, and penalties, and take such further actions as the  
496 commission is authorized to do as if such waiver had never been granted.

497 (g) If the commission grants a waiver under this Code section or the statute of limitations  
498 has run on a violation or failure to file reports, the commission shall remove the name of  
499 the person for whom the waiver is granted from its web page listing of persons who owe  
500 late fees, fines, or penalties for all matters covered by such waiver.

501 (h) The commission shall promulgate rules and regulations for the consideration of the  
502 waivers authorized by this Code section not later than 60 days following its effective date.

503 (i) The commission shall not require a person requesting a waiver to perform any  
504 additional acts or make any additional filings as a condition of receiving such waiver."

505 **SECTION 20.**

506 This Act shall become effective upon its approval by the Governor or upon its becoming law  
507 without such approval.

508 **SECTION 21.**

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