

House Bill 268 (COMMITTEE SUBSTITUTE)

By: Representatives Fleming of the 121st, Rynders of the 152nd, Burns of the 159th, Coomer of the 14th, Hatchett of the 150th, and others

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 elections and primaries generally, so as to provide for the time period for certification of
3 election officials; to repeal obsolete provision; to provide for additional training and
4 sanctions for election superintendents who violate provisions of law or rules and regulations;
5 to revise manner and times for certain qualifying for office; to provide for certain
6 authorization for certain write-in candidate intention of candidacies; to repeal provisions
7 regarding municipal registrars; to revise the types of identification acceptable for voting; to
8 require certain information for voter registration; to revise provisions regarding change of
9 address for electors; to limit when polling places may be moved; to require certain reports
10 regarding polling places established outside of precinct boundaries; to provide for the manner
11 of voting in advance voting locations; to provide for the manner of applying for absentee
12 ballots for certain voters; to change the oath form for absentee ballots; to revise the period
13 for certain advance voting; to provide limitations regarding certain activities within close
14 proximity to polling locations when voting is occurring; to provide for the manner of
15 obtaining a provisional ballot; to provide for related matters; to repeal conflicting laws; and
16 for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
20 primaries generally, is amended by revising Code Section 21-2-101, relating to certification
21 program for county and municipal election superintendents or election board designee,
22 waiver of certification, and failure to comply, as follows:

23 "21-2-101.

24 (a) All county and municipal election superintendents, chief registrars, and absentee ballot
25 clerks or, in the case of a board of elections or a board of elections and registration, the
26 designee of such board charged with the daily operations of such board shall become

27 certified by completing a certification program approved by the Secretary of State ~~by no~~
 28 ~~later than December 31 of the year in which they are appointed~~ within six months
 29 following their appointment. Such program may include instruction on, and may require
 30 the superintendent to demonstrate proficiency in, the operation of the state's direct
 31 recording electronic voting equipment, the operation of the voting equipment used in such
 32 superintendent's jurisdiction, and in state and federal law and procedures related to
 33 elections. The local government employing the superintendent or designee shall cover the
 34 costs, if any, incurred by such superintendent's or designee's participation in the
 35 certification program. Such certification programs shall be offered by the Secretary of
 36 State on multiple occasions before December 31 of the year in which such superintendents
 37 or designees are appointed and shall not exceed 64 hours of classroom, online, and
 38 practical instruction as authorized and approved by the Secretary of State.

39 ~~(b) Any county chief registrar or municipal absentee ballot clerk appointed prior to~~
 40 ~~January 1, 2010, who has not met the certification requirement shall complete a~~
 41 ~~certification program approved by the Secretary of State by no later than December 31,~~
 42 ~~2011~~ Reserved.

43 (c)(1) A full, partial, or conditional waiver of the certification requirement may be
 44 granted by the Secretary of State, in the discretion of the Secretary of State, upon the
 45 presentation of evidence by the election superintendent or board that the individual was
 46 unable to complete such training due to medical disability, providential cause, or other
 47 reason deemed sufficient by the Secretary of State.

48 (2) In the event that a municipality authorizes a county to conduct its elections pursuant
 49 to Code Section 21-2-45, the municipality may be granted by the Secretary of State, in
 50 the discretion of the Secretary of State, a waiver of the certification requirement, provided
 51 that the superintendent in charge of running the municipal election shall have previously
 52 completed a certification program approved by the Secretary of State and has
 53 demonstrated a proficiency in the operation of the voting equipment used in said
 54 municipality.

55 (d) A superintendent and the county or municipal governing authority which employs such
 56 superintendent may be fined by the State Election Board for failure to attain the
 57 certification required in this Code section.

58 (e) After notice and hearing as provided in Chapter 13 of Title 50, the 'Georgia
 59 Administrative Procedure Act', the State Election Board may require additional or remedial
 60 training or limit, suspend, or revoke the certification of a superintendent if such
 61 superintendent is found to have violated any provision of this chapter or any rule,
 62 regulation, or order issued by the State Election Board. In its discretion, the State Election
 63 Board may reinstate such certification.

64 (f) The State Election Board is authorized to promulgate, amend, or repeal rules and
 65 regulations for the implementation of this Code section. Such rules and regulations may
 66 include provisions related to additional or remedial training or the limitation, suspension,
 67 revocation, or reinstatement of a superintendent's certification issued by the Secretary of
 68 State."

69 **SECTION 2.**

70 Said chapter is further amended by revising Code Section 21-2-130, relating to procedures
 71 for qualification of candidates generally, as follows:

72 "21-2-130.

73 Candidates may qualify for an election ~~by virtue of~~ as follows:

74 (1) ~~Nomination in a primary conducted by a political party~~ through a political party
 75 primary;

76 (2) ~~Filing a nomination petition either as an independent candidate or as a nominee of~~
 77 ~~a political body, if duly certified by the chairperson and the secretary of the political body~~
 78 ~~as having been nominated in a duly constituted political body convention as prescribed~~
 79 ~~in Code Section 21-2-172~~ notice of candidacy and affidavit and paying a qualifying fee
 80 or filing a pauper's affidavit with a pauper's petition in conjunction with:

81 (A) Filing a nomination petition declared lawful pursuant to Code Section 21-2-171
 82 either as an independent candidate or as a nominee of a political body, if duly certified
 83 by the chairperson and the secretary of the political body as having been nominated in
 84 a duly constituted political body convention as prescribed in Code Section 21-2-172;

85 (B) Nomination for a state-wide office by a duly constituted political body convention
 86 as prescribed in Code Section 21-2-172 if the political body making the nomination has
 87 qualified to nominate candidates for state-wide public office under the provisions of
 88 Code Section 21-2-180;

89 (C) Candidacy in a special election as prescribed in subsection (e) of Code
 90 Section 21-2-132;

91 (D) Qualifying as an incumbent candidate to succeed such incumbent as prescribed in
 92 subsection (e) of Code Section 21-2-132; or

93 (E) Candidacy for election to a nonpartisan office;

94 (3) ~~Nomination for a state-wide office by a duly constituted political body convention~~
 95 ~~as prescribed in Code Section 21-2-172 if the political body making the nomination has~~
 96 ~~qualified to nominate candidates for state-wide public office under the provisions of Code~~
 97 ~~Section 21-2-180;~~

98 ~~(4)~~(3) In the case of an election for presidential electors, nomination as prescribed by
 99 rules of a political party and subsection (f) of Code Section 21-2-153; or

100 ~~(5)~~(4) Substitute nomination by a political party or body as prescribed in Code Sections
 101 Section 21-2-134 and 21-2-155, respectively;
 102 ~~(6) Candidacy in a special election as prescribed in subsection (e) of Code~~
 103 ~~Section 21-2-132; or~~
 104 ~~(7) Being an incumbent qualifying as a candidate to succeed such incumbent as~~
 105 ~~prescribed in subsection (e) of Code Section 21-2-132."~~

106 **SECTION 3.**

107 Said chapter is further amended by revising subsection (d) of Code Section 21-2-132, relating
 108 to filing notice of candidacy, nomination petition, and affidavit, payment of qualifying fee,
 109 pauper's affidavit and qualifying petition for exemption from qualifying fee, and military
 110 service, as follows:

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

115 (1) Each candidate for federal or state office, or his or her agent, desiring to have his or
 116 her name placed on the election ballot shall file a notice of his or her candidacy, giving
 117 his or her name, residence address, and the office he or she is seeking, in the office of the
 118 Secretary of State ~~either~~ during the period beginning at 9:00 A.M. on the Monday of the
 119 thirty-fifth week immediately prior to the election and ending at 12:00 Noon on the
 120 Friday immediately following such Monday, notwithstanding the fact that any such days
 121 may be legal holidays, ~~or during the period beginning at 9:00 A.M. on the fourth Monday~~
 122 ~~in June immediately prior to the election and ending at 12:00 Noon on the Friday~~
 123 ~~following the fourth Monday in June, notwithstanding the fact that any such days may~~
 124 ~~be legal holidays~~, in the case of a general election. In the case of a special election to fill
 125 a federal office, each candidate shall file a notice of his or her candidacy, giving his or
 126 her name, residence address, and the office sought, in the office of the Secretary of State
 127 no earlier than the date of the call of the special election and no later than 60 days prior
 128 to the special election. In the case of a special election to fill a state office, each
 129 candidate shall file a notice of his or her candidacy, giving his or her name, residence
 130 address, and the office sought, in the office of the Secretary of State no earlier than the
 131 date of the call of the special election and no later than 25 days prior to the special
 132 election;

133 (2) Each candidate for a county office, or his or her agent, desiring to have his or her
 134 name placed on the election ballot shall file notice of his or her candidacy in the office
 135 of the superintendent of his or her county ~~either~~ during the period beginning at 9:00 A.M.

136 on the Monday of the thirty-fifth week immediately prior to the election and ending at
 137 12:00 Noon on the Friday immediately following such Monday, notwithstanding the fact
 138 that any such days may be legal holidays, ~~or during the period beginning at 9:00 A.M. on~~
 139 ~~the fourth Monday in June immediately prior to the election and ending at 12:00 Noon~~
 140 ~~on the Friday following the fourth Monday in June, notwithstanding the fact that any such~~
 141 ~~days may be legal holidays,~~ in the case of a general election and no earlier than the date
 142 of the call of the election and no later than 25 days prior to the election in the case of a
 143 special election;

144 (3) Each candidate for municipal office or a designee shall file a notice of candidacy in
 145 the office of the municipal superintendent of such candidate's municipality during the
 146 municipality's qualifying period. Each municipal superintendent shall designate the days
 147 of the qualifying period, which shall be no less than three days and no more than five
 148 days. The days of the qualifying period shall be consecutive days. Qualifying periods
 149 shall commence no earlier than 8:30 A.M. on the third Monday in August immediately
 150 preceding the general election and shall end no later than 4:30 P.M. on the following
 151 Friday; and, in the case of a special election, the municipal qualifying period shall
 152 commence no earlier than the date of the call and shall end no later than 25 days prior to
 153 the election; and

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

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

- 162 (i) A regularly scheduled general election for the vacant office is to be held; or
- 163 (ii) Another special election for the vacant office is to be held pursuant to a writ for
 164 a special election issued by the Governor prior to the date of the announcement of the
 165 vacancy.

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

172 **SECTION 4.**

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

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

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

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

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

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

197 **SECTION 5.**

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

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

208 ~~registrars shall be fixed by such governing authority. Any registrar shall have the right to~~
 209 ~~resign at any time by submitting a resignation to such governing authority. In the event of~~
 210 ~~any such removal or resignation of a registrar, such registrar's duties and authority as such~~
 211 ~~shall terminate instantly. Successors to resigned registrars shall be appointed by the~~
 212 ~~municipal governing authority. Each appointment or change in designation shall be entered~~
 213 ~~on the minutes of such governing authority and certified by the governing authority. The~~
 214 ~~municipal governing authority may furnish such employees and facilities as it deems~~
 215 ~~necessary for the operation of the office and the affairs of the registrars Reserved.~~"

216 **SECTION 6.**

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

220 "21-2-214.

221 (a) Members of the board of registrars shall be electors of ~~the~~ this state and the county in
 222 which they serve, and any deputy registrars shall be electors of the state. All registrars
 223 shall be able to read, write, and speak the English language. ~~Municipal registrars shall be~~
 224 ~~registered Georgia voters and shall be able to read, write, and speak the English language.~~
 225 Registrars and deputy registrars shall have never been convicted of a felony involving
 226 moral turpitude unless such person's civil rights have been restored and at least ten years
 227 have elapsed from the date of the completion of the sentence without a subsequent
 228 conviction of another felony involving moral turpitude and shall never have been convicted
 229 of a crime involving fraud, and the appointing authority shall be authorized to investigate
 230 the applicant's criminal history before making such appointment.

231 (b) The office of a member of a county ~~or municipal~~ board of registrars, a deputy registrar,
 232 member of a county or municipal board of elections or county or municipal board of
 233 elections and registration, or a member of a joint county-municipal board of elections or
 234 joint county-municipal board of elections and registration shall be vacated immediately
 235 upon such officer's qualifying for any nomination or office to be voted for at a primary or
 236 election or qualifying for any nomination or office or qualifying to have such officer's
 237 name placed on any primary or election ballot pursuant to Code Sections 21-2-132 and
 238 21-2-153 or giving notice of such officer's intention of write-in candidacy; provided,
 239 however, that this Code section shall not apply to a chief deputy registrar who is also an
 240 elected public officer and who seeks to qualify for reelection to the public office such chief
 241 deputy registrar is presently holding. Nothing contained in this Code section shall cause
 242 the office of a member of a county ~~or municipal~~ board of registrars, deputy registrar,
 243 member of a county or municipal board of elections or county or municipal board of

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

248 (c) No member of a county ~~or municipal~~ board of registrars, deputy registrar, member of
 249 a county or municipal board of elections or county or municipal board of elections and
 250 registration, or a member of a joint county-municipal board of elections or joint
 251 county-municipal board of elections and registration, while conducting the duties of such
 252 person's office, shall engage in any political activity on behalf of a candidate, political party
 253 or body, or question, including, but not limited to, distributing campaign literature,
 254 engaging in any communication that advocates or criticizes a particular candidate,
 255 officeholder, or political party or body, and wearing badges, buttons, or clothing with
 256 partisan messages.

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

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

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

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

267 SECTION 7.

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

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

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

279 license or identification card that the applicant has provided satisfactory evidence of
 280 United States citizenship to the agency;

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

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

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

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

294 ~~(F) The applicant's Bureau of Indian Affairs card number, tribal treaty card number,~~
 295 ~~or tribal enrollment number; and~~

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

301 **SECTION 8.**

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

303 "21-2-220.1.

304 (a) Any person applying to register to vote shall provide his or her Georgia driver's license
 305 number or identification card number for an identification card issued pursuant to Article 5
 306 of Chapter 5 of Title 40 on the voter registration application. If a person does not have a
 307 Georgia driver's license or identification card issued pursuant to Article 5 of Chapter 5 of
 308 Title 40, such person shall provide the last four digits of his or her social security number
 309 on the voter registration application. If a person does not have a Georgia driver's license,
 310 a Georgia identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or a
 311 social security number, the person shall affirm this fact in the manner prescribed in the
 312 voter registration application.

313 (b) A voter registration application may be accepted as valid only after the board of
 314 registrars has verified the authenticity of the Georgia driver's license number, the

315 identification card number of an identification card issued pursuant to Article 5 of
 316 Chapter 5 of Title 40, or the last four digits of the social security number provided by the
 317 applicant.

318 (c) The authenticity of an applicant's Georgia driver's license number, identification card
 319 number of an identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or
 320 the last four digits of the social security number may be verified by:

321 (1) The board of registrars matching the Georgia driver's license number, identification
 322 card number of an identification card issued pursuant to Article 5 of Chapter 5 of
 323 Title 40, or the last four digits of the social security number provided by the applicant
 324 with the applicant's record on file with the Department of Driver Services or the federal
 325 Social Security Administration; or

326 (2) The applicant providing sufficient evidence to the board of registrars to verify the
 327 authenticity of the applicant's Georgia driver's license number, the identification card
 328 number of an identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or
 329 the last four digits of the social security number, which sufficient evidence may include,
 330 but not be limited to, the forms of identification listed in subsection (a) of Code
 331 Section 21-2-417.

332 (d)(1) If a completed voter registration application has been received by the registration
 333 deadline set by Code Section 21-2-224 but the Georgia driver's license number, the
 334 identification card number of an identification card issued pursuant to Article 5 of
 335 Chapter 5 of Title 40, or the last four digits of the social security number provided by the
 336 applicant cannot be verified, the applicant shall be notified that the number cannot be
 337 verified and that the applicant must provide sufficient evidence to the board of registrars
 338 to verify the authenticity of the applicant's Georgia driver's license number, identification
 339 card number of an identification card issued pursuant to Article 5 of Chapter 5 of
 340 Title 40, or last four digits of the social security number in order to have his or her
 341 application processed by the board of registrars.

342 (2) If the applicant provides such sufficient evidence on or before the date of a primary
 343 or election, and if the applicant is found eligible to vote, the applicant shall be added to
 344 the list of electors and shall be permitted to vote in the primary or election and any runoff
 345 resulting therefrom and subsequent primaries and elections.

346 (3) If the applicant has not provided such sufficient evidence or such number has not
 347 otherwise been verified on or before the date of a primary or election, the applicant
 348 presenting himself or herself to vote shall be provided a provisional ballot. The
 349 provisional ballot shall be counted only if such number is verified by the end of the time
 350 period set forth in subsection (c) of Code Section 21-2-419 or if the applicant presents
 351 sufficient evidence to the board of registrars to verify the authenticity of the applicant's

352 Georgia driver's license number, identification card number of an identification card
 353 issued pursuant to Article 5 of Chapter 5 of Title 40, or last four digits of the social
 354 security number by the end of the time period set forth in subsection (c) of Code
 355 Section 21-2-419.

356 (4) The voter application shall be rejected if the Georgia driver's license number,
 357 identification card number of an identification card issued pursuant to Article 5 of
 358 Chapter 5 of Title 40, or last four digits of the social security number provided by the
 359 applicant is not verified and the applicant fails to present sufficient evidence to the board
 360 of registrars to verify the authenticity of the applicant's Georgia driver's license number,
 361 identification card number of an identification card issued pursuant to Article 5 of
 362 Chapter 5 of Title 40, or last four digits of the social security number within 26 months
 363 following the date of the application.

364 (5) This subsection shall not apply to an electronic voter registration application
 365 submitted pursuant to Code Section 21-2-221.2."

366 **SECTION 9.**

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

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

386 **SECTION 10.**

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

391 "(c) It shall be the duty of each incorporated municipality located wholly or partially
 392 within the boundaries of a county to provide a detailed map showing the municipal
 393 boundaries, municipal precinct boundaries, and voting district boundaries to the county
 394 board of registrars no later than January 1, 1995, and within 15 days of any changes in such
 395 municipal boundaries, precinct boundaries, or voting district boundaries. Upon receiving
 396 any changes in municipal boundaries, the county board of registrars shall provide to the
 397 ~~municipal registrar~~ municipality a list of all voters affected by such changes with the street
 398 addresses of such electors for the purpose of verifying the changes with the municipality.
 399 Upon receiving the list of electors affected by changes in municipal boundaries, the
 400 ~~municipal registrar~~ municipality shall immediately review the information provided by the
 401 county registrars and advise the county registrars of any discrepancies."

402 **SECTION 11.**

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

406 "(d) Whenever an elector's name is removed from the list of electors by the county
 407 registrars because the elector has furnished in writing to the registrar a residence address
 408 that is located outside of the State of Georgia, the registrars shall notify the elector in
 409 writing at the elector's new address that the elector's name is being deleted from the list of
 410 electors. ~~Whenever an elector's registration is transferred by the county registrars to~~
 411 ~~another county in this state because the elector has furnished in writing to the registrar a~~
 412 ~~residence address that is located in this state outside of the elector's present county of~~
 413 ~~registration in accordance with subsection (c) of this Code section, the registrars of the~~
 414 ~~county of the elector's former residence shall notify the elector in writing at the elector's~~
 415 ~~new address that the elector's registration is being transferred to the new address. The~~
 416 ~~registrars of the county of the elector's new address shall provide the elector with a new~~
 417 ~~registration card pursuant to Code Section 21-2-226."~~

418 **SECTION 12.**

419 Said chapter is further amended by revising subsection (d) of Code Section 21-2-234, relating
 420 to electors who have failed to vote and with whom there has been no contact in three years,

421 confirmation notice requirements and procedure, and time for completion of list maintenance
422 activities, as follows:

423 "(d) If the elector returns the card and shows that he or she has changed residence to a
424 place outside of the State of Georgia, the elector's name shall be removed from the
425 appropriate list of electors. If the elector confirms his or her change of address to an
426 address outside of the boundaries of the county or municipality in which the elector is
427 currently registered, ~~the elector's name shall be removed from the appropriate list of~~
428 ~~electors and information shall be sent to the elector explaining how the elector can continue~~
429 to be eligible to vote but still within the State of Georgia, the elector's registration shall be
430 transferred to the new county or municipality. The Secretary of State or the registrars shall
431 forward the confirmation card to the registrars of the county in which the elector's new
432 address is located, and the registrars of the county of the new address shall update the voter
433 registration list to reflect the change of address."

434 **SECTION 13.**

435 Said chapter is further amended by revising subsection (e) of Code Section 21-2-265, relating
436 to duty of superintendent to select polling places, change, petition objecting to proposed
437 change, space for political parties holding primaries, facilities for disabled voters, and
438 selection of polling place outside precinct to better serve voters, as follows:

439 "(e) ~~The~~ On and after January 1, 2018, the superintendent may establish the polling place
440 for a precinct outside the boundaries of the precinct if there is no suitable facility within the
441 precinct which could be used as a polling place and if, by so doing, such polling place
442 would better serve the needs of the voters; provided, however, that no polling place shall
443 be established outside of the boundaries of the precinct within 90 days of a primary or
444 election, and the superintendent shall submit a report to the State Election Board to
445 demonstrate that there is no suitable facility within the precinct prior to establishing the
446 polling place outside the boundaries of the precinct."

447 **SECTION 14.**

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

450 "21-2-380.1.

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

454 **SECTION 15.**

455 Said chapter is further amended by revising subparagraph (a)(1)(G) and paragraph (2) of
 456 subsection (b) of Code Section 21-2-381, relating to making of application for absentee
 457 ballot, determination of eligibility by ballot clerk, furnishing of applications to colleges and
 458 universities, and persons entitled to make application, as follows:

459 "(G) Any elector meeting criteria of advanced age or disability specified by rule or
 460 regulation of the State Election Board or any elector who is entitled to vote by absentee
 461 ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42
 462 U.S.C. Section 1973ff, et seq., as amended, may request in writing on one application
 463 a ballot for a presidential preference primary held pursuant to Article 5 of this chapter
 464 and for a primary as well as for any runoffs resulting therefrom and for the election for
 465 which such primary shall nominate candidates as well as any runoffs resulting
 466 therefrom. If not so requested by such person, a separate and distinct application shall
 467 be required for each primary, run-off primary, election, and run-off election. Except
 468 as otherwise provided in this subparagraph, a separate and distinct application for an
 469 absentee ballot shall always be required for the presidential preference primary held
 470 pursuant to Article 5 of this chapter and for any special election or special primary."

471 "(2) If found eligible, the registrar or absentee ballot clerk shall certify by signing in the
 472 proper place on the application and then:

473 (A) Shall mail the ballot as provided in this Code section;

474 (B) If the application is made in person, shall issue the ballot to the elector to be voted
 475 on a direct recording electronic (DRE) voting system within the confines of the
 476 registrar's or absentee ballot clerk's office as required by Code Section 21-2-383 if the
 477 ballot is issued during the advance voting period established pursuant to subsection (d)
 478 of Code Section 21-2-385; or

479 (C) May deliver the ballot in person to the elector if such elector is confined to a
 480 hospital."

481 **SECTION 16.**

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

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

488 I, the undersigned, do swear (or affirm) that I am a citizen of the United States and of
 489 the State of Georgia; that my residence address, for voting purposes, is _____

490 County, Georgia; that I possess the qualifications of an elector required by the laws of
 491 the State of Georgia; that I am entitled to vote in the precinct containing my residence
 492 in the primary or election in which this ballot is to be cast; that I am eligible to vote by
 493 absentee ballot; that I have not marked or mailed any other absentee ballot, nor will I
 494 mark or mail another absentee ballot for voting in such primary or election; nor shall
 495 I vote therein in person; and that I have read and understand the instructions
 496 accompanying this ballot; and that I have carefully complied with such instructions in
 497 completing this ballot. I understand that the offer or acceptance of money or any other
 498 object of value to vote for any particular candidate, list of candidates, issue, or list of
 499 issues included in this election constitutes an act of voter fraud and is a felony under
 500 Georgia law.

501 _____

502 Elector's Residence
 503 Address

504 _____

505 ~~Month and Day~~ Year of
 506 Elector's Birth

507 _____
 508 Signature or Mark of Elector

509 Oath of Person Assisting Elector (if any):

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

514 This, the _____ day of _____, _____.

515 _____
 516 Signature of Person Assisting
 517 Elector -- Relationship

518 Reason for assistance (Check appropriate square):

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

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

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

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

528 **SECTION 17.**

529 Said chapter is further amended by revising paragraph (1) of subsection (d) of Code
 530 Section 21-2-385, relating to procedure for voting by absentee ballot and advance voting, as
 531 follows:

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

533 (A) On the fourth Monday immediately prior to each primary or election;

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

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

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

539 and shall end on the Friday immediately prior to each primary, election, or runoff.

540 Voting shall be conducted during normal business hours on weekdays during such period

541 and shall be conducted on the second Saturday prior to a primary or election during the

542 hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections

543 in which there are no federal or state candidates on the ballot, no Saturday voting hours

544 shall be required; and provided, further, that, if such second Saturday is a public and legal

545 holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and

546 legal holiday occurring on the Thursday or Friday immediately preceding such second

547 Saturday, or if such second Saturday immediately precedes a public and legal holiday

548 occurring on the following Sunday or Monday, such advance voting shall not be held on

549 such second Saturday but shall be held on the third Saturday prior to such primary; or

550 election, ~~or runoff~~. Except as otherwise provided in this paragraph, counties and

551 municipalities may extend the hours for voting beyond regular business hours and may

552 provide for additional voting locations pursuant to Code Section 21-2-382 to suit the

553 needs of the electors of the jurisdiction at their option."

554 **SECTION 18.**

555 Said chapter is further amended by revising subsections (a) and (c) of Code

556 Section 21-2-414, relating to restrictions on campaign activities and public opinion polling

557 within the vicinity of a polling place, cellular phone use prohibited, prohibition of candidates
558 from entering certain polling places, and penalty, as follows:

559 "(a) No person shall solicit votes in any manner or by any means or method, nor shall any
560 person distribute or display any campaign material, nor shall any person solicit signatures
561 for any petition ~~or conduct any exit poll or public opinion poll~~ with voters, nor shall any
562 person establish or set up any voter information or assistance tables, booths, or stations on
563 any day in which ballots are being cast:

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

566 (2) Within any polling place; or

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

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

570 "~~(c)(1) Reserved~~ No person shall conduct any exit poll or public opinion poll with voters
571 within 25 feet of the exit of any building in which a polling place is established on any
572 day in which ballots are being cast.

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

576 **SECTION 19.**

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

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

586 **SECTION 20.**

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