

The Senate Committee on Ethics offered the following substitute to HB 268:

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 correction of mistakes and omissions
12 on ballot; to provide for the manner of applying for absentee ballots for certain voters; to
13 change the oath form for absentee ballots; to revise the period for certain advance voting; to
14 provide limitations regarding certain activities within close proximity to polling locations
15 when voting is occurring; to provide for the manner of obtaining a provisional ballot; to
16 provide for the delivery, presentation, preservation, and destruction of voting materials; to
17 provide for related matters; to repeal conflicting laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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:

24 "21-2-101.

25 (a) All county and municipal election superintendents, chief registrars, and absentee ballot
26 clerks or, in the case of a board of elections or a board of elections and registration, the

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

40 (b) ~~Any county chief registrar or municipal absentee ballot clerk appointed prior to~~
 41 ~~January 1, 2010, who has not met the certification requirement shall complete a~~
 42 ~~certification program approved by the Secretary of State by no later than December 31,~~
 43 ~~2011~~ Reserved.

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

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

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

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

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

70 SECTION 2.

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

73 "21-2-130.

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

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

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

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

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

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

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

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

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

135 (2) Each candidate for United States Senate, United States House of Representatives, or
 136 state office, or his or her agent, desiring to have his or her name placed on the election
 137 ballot shall file a notice of his or her candidacy, giving his or her name, residence
 138 address, and the office he or she is seeking, in the office of the Secretary of State during
 139 the period beginning at 9:00 A.M. on the Monday of the thirty-fifth week immediately
 140 prior to the election and ending at 12:00 Noon on the Friday immediately following such
 141 Monday, notwithstanding the fact that any such days may be legal holidays, in the case
 142 of a general election. In the case of a special election to fill a federal office listed in this
 143 subsection, each candidate shall file a notice of his or her candidacy, giving his or her
 144 name, residence address, and the office he or she is seeking, in the office of the Secretary
 145 of State no earlier than the date of the call of the special election and no later than 60 days
 146 prior to the special election. In the case of a special election to fill a state office, each
 147 candidate shall file a notice of his or her candidacy, giving his or her name, residence
 148 address, and the office he or she is seeking, in the office of the Secretary of State no
 149 earlier than the date of the call of the special election and no later than 25 days prior to
 150 the special election;

151 ~~(2)~~(3) Each candidate for a county office, or his or her agent, desiring to have his or her
 152 name placed on the election ballot shall file notice of his or her candidacy in the office
 153 of the superintendent of his or her county ~~either~~ during the period beginning at 9:00 A.M.
 154 on the Monday of the thirty-fifth week immediately prior to the election and ending at
 155 12:00 Noon on the Friday immediately following such Monday, notwithstanding the fact
 156 that any such days may be legal holidays, ~~or during the period beginning at 9:00 A.M. on~~
 157 ~~the fourth Monday in June immediately prior to the election and ending at 12:00 Noon~~
 158 ~~on the Friday following the fourth Monday in June, notwithstanding the fact that any such~~
 159 ~~days may be legal holidays,~~ in the case of a general election and no earlier than the date
 160 of the call of the election and no later than 25 days prior to the election in the case of a
 161 special election;

162 ~~(3)~~(4) Each candidate for municipal office or a designee shall file a notice of candidacy
 163 in the office of the municipal superintendent of such candidate's municipality during the
 164 municipality's qualifying period. Each municipal superintendent shall designate the days
 165 of the qualifying period, which shall be no less than three days and no more than five
 166 days. The days of the qualifying period shall be consecutive days. Qualifying periods
 167 shall commence no earlier than 8:30 A.M. on the third Monday in August immediately
 168 preceding the general election and shall end no later than 4:30 P.M. on the following
 169 Friday; and, in the case of a special election, the municipal qualifying period shall
 170 commence no earlier than the date of the call and shall end no later than 25 days prior to
 171 the election; and

172 ~~(4)~~(5)(A) In extraordinary circumstances as described in Code Section 21-2-543.1,
 173 each candidate, or his or her agent, desiring to have his or her name placed on the
 174 election ballot shall file a notice of his or her candidacy, giving his or her name,
 175 residence address, and the office he or she is seeking, with the office of the Secretary
 176 of State no earlier than the date of the call of the special election and no later than ten
 177 days after the announcement of such extraordinary circumstances.

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

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

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

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

190 **SECTION 4.**

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

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

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

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

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

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

215 SECTION 5.

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

220 "~~(c) The governing authority of each municipality shall appoint registrars as necessary, and~~
 221 ~~the appointments shall be entered on the minutes of such governing authority. The~~
 222 ~~municipal governing authority shall designate one of the registrars as chief registrar. The~~
 223 ~~chief registrar will serve as such during such registrar's term of office, and such designation~~
 224 ~~shall likewise be entered on the minutes of such governing authority. Such registrars shall~~
 225 ~~serve at the pleasure of the municipal governing authority, and compensation of the~~
 226 ~~registrars shall be fixed by such governing authority. Any registrar shall have the right to~~
 227 ~~resign at any time by submitting a resignation to such governing authority. In the event of~~
 228 ~~any such removal or resignation of a registrar, such registrar's duties and authority as such~~
 229 ~~shall terminate instantly. Successors to resigned registrars shall be appointed by the~~
 230 ~~municipal governing authority. Each appointment or change in designation shall be entered~~
 231 ~~on the minutes of such governing authority and certified by the governing authority. The~~
 232 ~~municipal governing authority may furnish such employees and facilities as it deems~~
 233 ~~necessary for the operation of the office and the affairs of the registrars~~ Reserved."

234 SECTION 6.

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

238 "21-2-214.

239 (a) Members of the board of registrars shall be electors of ~~the~~ this state and the county in
 240 which they serve, and any deputy registrars shall be electors of the state. All registrars

241 shall be able to read, write, and speak the English language. ~~Municipal registrars shall be~~
242 ~~registered Georgia voters and shall be able to read, write, and speak the English language.~~
243 Registrars and deputy registrars shall have never been convicted of a felony involving
244 moral turpitude unless such person's civil rights have been restored and at least ten years
245 have elapsed from the date of the completion of the sentence without a subsequent
246 conviction of another felony involving moral turpitude and shall never have been convicted
247 of a crime involving fraud, and the appointing authority shall be authorized to investigate
248 the applicant's criminal history before making such appointment.

249 (b) The office of a member of a county ~~or municipal~~ board of registrars, a deputy registrar,
250 member of a county or municipal board of elections or county or municipal board of
251 elections and registration, or a member of a joint county-municipal board of elections or
252 joint county-municipal board of elections and registration shall be vacated immediately
253 upon such officer's qualifying for any nomination or office to be voted for at a primary or
254 election or qualifying for any nomination or office or qualifying to have such officer's
255 name placed on any primary or election ballot pursuant to Code Sections 21-2-132 and
256 21-2-153 or giving notice of such officer's intention of write-in candidacy; provided,
257 however, that this Code section shall not apply to a chief deputy registrar who is also an
258 elected public officer and who seeks to qualify for reelection to the public office such chief
259 deputy registrar is presently holding. Nothing contained in this Code section shall cause
260 the office of a member of a county ~~or municipal~~ board of registrars, deputy registrar,
261 member of a county or municipal board of elections or county or municipal board of
262 elections and registration, or a member of a joint county-municipal board of elections or
263 joint county-municipal board of elections and registration to be vacated upon qualifying
264 for or having such officer's name placed on the ballot or holding office in a political party
265 or body or serving as a presidential elector.

266 (c) No member of a county ~~or municipal~~ board of registrars, deputy registrar, member of
267 a county or municipal board of elections or county or municipal board of elections and
268 registration, or a member of a joint county-municipal board of elections or joint
269 county-municipal board of elections and registration, while conducting the duties of such
270 person's office, shall engage in any political activity on behalf of a candidate, political party
271 or body, or question, including, but not limited to, distributing campaign literature,
272 engaging in any communication that advocates or criticizes a particular candidate,
273 officeholder, or political party or body, and wearing badges, buttons, or clothing with
274 partisan messages.

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

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

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

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

285 **SECTION 7.**

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

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

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

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

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

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

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

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

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

319 **SECTION 8.**

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

321 "21-2-220.1.

322 (a) Any person applying to register to vote shall provide his or her Georgia driver's license
 323 number or identification card number for an identification card issued pursuant to Article 5
 324 of Chapter 5 of Title 40 on the voter registration application. If a person does not have a
 325 Georgia driver's license or identification card issued pursuant to Article 5 of Chapter 5 of
 326 Title 40, such person shall provide the last four digits of his or her social security number
 327 on the voter registration application. If a person does not have a Georgia driver's license,
 328 a Georgia identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or a
 329 social security number, the person shall affirm this fact in the manner prescribed in the
 330 voter registration application.

331 (b) A voter registration application may be accepted as valid only after the board of
 332 registrars has verified the authenticity of the Georgia driver's license number, the
 333 identification card number of an identification card issued pursuant to Article 5 of
 334 Chapter 5 of Title 40, or the last four digits of the social security number provided by the
 335 applicant.

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

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

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

350 (d)(1) If a completed voter registration application has been received by the registration
351 deadline set by Code Section 21-2-224 but the Georgia driver's license number, the
352 identification card number of an identification card issued pursuant to Article 5 of
353 Chapter 5 of Title 40, or the last four digits of the social security number provided by the
354 applicant cannot be verified, the applicant shall be notified that the number cannot be
355 verified and that the applicant must provide sufficient evidence to the board of registrars
356 to verify the authenticity of the applicant's Georgia driver's license number, identification
357 card number of an identification card issued pursuant to Article 5 of Chapter 5 of
358 Title 40, or last four digits of the social security number in order to have his or her
359 application processed by the board of registrars.

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

364 (3) If the applicant has not provided such sufficient evidence or such number has not
365 otherwise been verified on or before the date of a primary or election, the applicant
366 presenting himself or herself to vote shall be provided a provisional ballot. The
367 provisional ballot shall be counted only if such number is verified by the end of the time
368 period set forth in subsection (c) of Code Section 21-2-419 or if the applicant presents
369 sufficient evidence to the board of registrars to verify the authenticity of the applicant's
370 Georgia driver's license number, identification card number of an identification card
371 issued pursuant to Article 5 of Chapter 5 of Title 40, or last four digits of the social
372 security number by the end of the time period set forth in subsection (c) of Code
373 Section 21-2-419.

374 (4) The voter application shall be rejected if the Georgia driver's license number,
375 identification card number of an identification card issued pursuant to Article 5 of
376 Chapter 5 of Title 40, or last four digits of the social security number provided by the
377 applicant is not verified and the applicant fails to present sufficient evidence to the board
378 of registrars to verify the authenticity of the applicant's Georgia driver's license number,
379 identification card number of an identification card issued pursuant to Article 5 of
380 Chapter 5 of Title 40, or last four digits of the social security number within 26 months
381 following the date of the application.

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

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SECTION 9.

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Said chapter 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,

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upon a basis mutually agreed upon between the county board of registrars and the

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governing authority of the municipality, a copy of the list of electors for the municipality

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for the primary or election. Such list shall be delivered not earlier than the fifth Monday

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prior to a primary or election and not later than 21 days prior to such primary or election

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for the purpose of permitting ~~the chief registrar~~ of the municipality to check the accuracy

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of the list. The ~~municipal registrar~~ municipality shall, upon receipt of the county

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registration list, or as soon as practicable thereafter but in no event later than five days prior

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to such primary or election, review such list and identify in writing to the county board of

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registrars any names on the electors list of persons who are not qualified to vote at such

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primary or election, stating the reason for disqualification. The county board of registrars

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shall challenge the persons identified in accordance with Code Section 21-2-228. In

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addition, the county board of registrars shall provide a list of inactive electors for the

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municipality. The ~~municipal registrar~~ municipality shall certify such lists and file with the

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city clerk a copy showing the names of electors entitled to vote at such primary or

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election."

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SECTION 10.

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Said chapter is further amended by revising subsection (c) of Code Section 21-2-226, relating

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to duties of county board in determining eligibility of voters; maps of municipal boundaries,

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notice of ineligibility, issuance of registration cards, and reimbursement for postage cost, as

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follows:

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"(c) It shall be the duty of each incorporated municipality located wholly or partially

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within the boundaries of a county to provide a detailed map showing the municipal

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boundaries, municipal precinct boundaries, and voting district boundaries to the county

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board of registrars no later than January 1, 1995, and within 15 days of any changes in such

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municipal boundaries, precinct boundaries, or voting district boundaries. Upon receiving

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any changes in municipal boundaries, the county board of registrars shall provide to the

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~~municipal registrar~~ municipality a list of all voters affected by such changes with the street

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addresses of such electors for the purpose of verifying the changes with the municipality.

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Upon receiving the list of electors affected by changes in municipal boundaries, the

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~~municipal registrar~~ municipality shall immediately review the information provided by the

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county registrars and advise the county registrars of any discrepancies."

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SECTION 11.

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

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

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SECTION 12.

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

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

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SECTION 13.

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Said chapter is further amended by revising subsection (e) of Code Section 21-2-265, relating to duty of superintendent to select polling places, change, petition objecting to proposed

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455 change, space for political parties holding primaries, facilities for disabled voters, and
 456 selection of polling place outside precinct to better serve voters, as follows:

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

465

SECTION 14.

466 Said chapter is further amended by revising Code Section 21-2-293, relating to correction of
 467 mistakes and omissions on ballot, as follows:

468 "21-2-293.

469 (a) If the election superintendent discovers that a mistake or omission has occurred in the
 470 printing of official ballots or in the programming of the display of the official ballot on
 471 DRE voting equipment for any primary or election, the superintendent is authorized on his
 472 or her own motion to take such steps as necessary to correct such mistake or omission if
 473 the superintendent determines that such correction is feasible and practicable under the
 474 circumstances; provided, however, that the superintendent gives at least 24 hours notice to
 475 the Secretary of State and any affected candidates of the mistake or omission prior to
 476 making such correction.

477 (b) When it is shown by affidavit that a mistake or omission has occurred in the printing
 478 of official ballots or in the programming of the display of the official ballot on DRE voting
 479 equipment for any primary or election, the superior court of the proper county may, upon
 480 the application of any elector of the county or municipality, require the superintendent to
 481 correct the mistake or omission or to show cause why he or she should not do so."

482

SECTION 15.

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

485 "21-2-380.1.

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

489

SECTION 16.

490

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

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

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

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

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

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

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SECTION 17.

517

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

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

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

524

525 County, Georgia; that I possess the qualifications of an elector required by the laws of
 526 the State of Georgia; that I am entitled to vote in the precinct containing my residence
 527 in the primary or election in which this ballot is to be cast; that I am eligible to vote by
 528 absentee ballot; that I have not marked or mailed any other absentee ballot, nor will I
 529 mark or mail another absentee ballot for voting in such primary or election; nor shall
 530 I vote therein in person; and that I have read and understand the instructions
 531 accompanying this ballot; and that I have carefully complied with such instructions in
 532 completing this ballot. I understand that the offer or acceptance of money or any other
 533 object of value to vote for any particular candidate, list of candidates, issue, or list of
 534 issues included in this election constitutes an act of voter fraud and is a felony under
 535 Georgia law.

536 _____

537 Elector's Residence
 538 Address

539 _____

540 ~~Month and Day~~ Year of
 541 Elector's Birth

542 _____
 543 Signature or Mark of Elector

544 Oath of Person Assisting Elector (if any):

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

549 This, the _____ day of _____, _____.

550 _____
 551 Signature of Person Assisting
 552 Elector -- Relationship

553 Reason for assistance (Check appropriate square):

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

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

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

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

563 **SECTION 18.**

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

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

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

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

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

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

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

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

576 and shall be conducted on the second Saturday prior to a primary or election during the
 577 hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections

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

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

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

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

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

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

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

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

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

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

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

589 **SECTION 19.**

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

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

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

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

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

601 (2) Within any polling place; or

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

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

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

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

611 SECTION 20.

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

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

621 SECTION 21.

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

625 "(c) Immediately upon completing the returns required by this article, the municipal
 626 superintendent shall deliver in sealed containers to the city clerk the used and void ballots

627 and the stubs of all ballots used; one copy of the oaths of poll officers; and one copy of
628 each numbered list of voters, tally paper, voting machine paper proof sheet, and return
629 sheet involved in the primary or election. In addition, the municipal superintendent shall
630 deliver copies of the voting machine ballot labels, computer chips containing ballot
631 tabulation programs, copies of computer records of ballot design, and similar items or an
632 electronic record of the program by which votes are to be recorded or tabulated, which is
633 captured prior to the election, and which is stored on some alternative medium such as a
634 CD-ROM or floppy disk simultaneously with the programming of the PROM or other
635 memory storage device. Such ballots and other documents shall be preserved under seal
636 in the office of the city clerk for at least 24 months; and then they may be destroyed unless
637 otherwise provided by order of the mayor and council if a contest has been filed or by court
638 order, provided that the electors list, voter's certificates, and duplicate oaths of assisted
639 electors shall be immediately returned by the superintendent to the county or ~~municipal~~
640 registrar ~~as appropriate.~~"

641 **SECTION 22.**

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