EXHIBIT 1

State Defendants’ Initial Brief in Opposition to Plaintiffs’ Motion for Preliminary Injunction

House Bill 244
HB 244/AP

House Bill 244 (AS PASSED HOUSE AND SENATE)
By: Representative Burmeister of the 119th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to amend certain definitions; to provide for the enforcement of the chapter by the State Election Board; to provide that vacancies in party nomination caused by the withdrawal of the candidate shall not be filled under certain circumstances; to revise the forms of identification that are acceptable in order to register and to vote in this state; to provide for the voting of absentee ballots by mail without a reason; to remove certain limitations on the distribution of absentee ballot applications by certain organizations; to provide for the processing of such absentee ballot applications; to provide that the political affiliation of candidates in special elections shall be shown on the ballot; to provide that a candidate must receive a majority of the votes cast to be elected to office; to provide that nonpartisan elections shall be held in conjunction with the November general election; to provide for qualifying for such nonpartisan election; to provide for certain procedures concerning write-in candidates; to provide for a state write-in absentee ballot for certain electors; to provide procedures for use of such ballot; to provide when absentee ballots must be available; to provide that no absentee ballot shall be issued on the day prior to a primary or election; to provide that certain absentee ballots that are postmarked by the date of the runoff may be received by the registrars up to three days after the runoff; to change the date of certain runoff primaries and elections; to authorize the Secretary of State to provide copies of the general election ballot and questions on compact disc or other media or an Internet website; to clarify the meaning of governing authority; to authorize the Secretary of State to review ballots for use on DRE units; to provide for certain training for poll officers; to change municipal qualifying periods; to provide that a candidate shall use the surname shown on such candidate’s voter registration card when qualifying for office; to provide that the form of a candidate’s name cannot be changed after the candidate qualifies; to provide for the time of giving notice to be a write-in candidate in special elections; to delete the requirement that the Secretary of State receive all voter registration cards after a system of digitization of voter registration signatures is operational; to provide for the time for challenging the right of an elector to vote who votes by absentee ballot in...
person; to provide for the sending of certain notices concerning voter registration; to provide
that the individual names of candidates for the office of presidential elector shall not be listed
on the ballot; to remove the authorization for counties to use lever-type voting machines; to
remove the requirement that optical scanning ballots have a name stub; to provide for notice
of preparation of certain voting equipment prior to runoffs; to remove the elector’s place of
birth from the absentee ballot oath form; to provide that absentee electors whose vote has
been challenged must vote by paper or optical scanning ballot; to provide for the posting of
certain information at polling places; to provide for additional state-wide poll watchers; to
provide for poll watchers for advance voting sites; to limit the number of state-wide poll
watchers at individual polling places simultaneously; to prohibit certain activities within
close proximity to the locations where advance voting is taking place; to change the forms
of identification that are acceptable for voter registration, for absentee voting, and for voting
at the polls; to require the county registrars to ensure that certain information is contained on
the lists of electors used at polling places; to provide for the confidentiality of certain
information; to delete the requirement that poll officers ascertain whether someone timely
registered to vote prior to allowing such person to vote a provisional ballot; to limit the
requirement that all voters vote provisional ballots when poll hours are extended by court
order to elections in which federal candidates are on the ballot; to provide for the use of
provisional ballots by electors when voting machines or DRE units malfunction or an
emergency exists which prevents the use of such devices; to provide for the call of special
elections when held in conjunction with state-wide primaries and elections; to provide for
the offense of conspiracy to commit election fraud; to amend Code Section 40-5-103 of the
Official Code of Georgia Annotated, relating to fee for identification cards, so as to provide
that fees for identification cards for persons who are indigent and need an identification card
in order to vote shall be waived under certain circumstances; to provide for related matters;
to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
elections generally, is amended by striking paragraphs (5), (9), (22), and (37) of Code
Section 21-2-2, relating to definitions, and inserting in lieu thereof new paragraphs (5), (9),
(22), and (37) to read as follows:
"(5) 'Election' ordinarily means any general or special election and shall not include a
primary or special primary unless the context in which the term is used clearly requires
that a primary or special primary is included."

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"(9) 'Governing authority' means the governing authority of a municipality Reserved."

"(22) 'Plurality' means the receiving by one candidate alone of the highest number of votes cast for eligible candidates in an election among the candidates for the same office, provided that such number of votes exceeds 45 percent of the total number of votes cast in such election for such office. In the case where two or more persons tie in receiving the highest number of votes or no candidate receives more than 45 percent of the total votes cast for eligible candidates in the election for the office sought there is no plurality Reserved."

"(37) Reserved 'Violator' means any individual, partnership, committee, association, corporation, limited liability company, limited liability partnership, professional corporation, trust, enterprise, franchise, joint venture, political party, political body, candidate, campaign committee, political action committee or any other political committee or business entity, or any governing authority that violates any provision of this chapter."

SECTION 2.

Said chapter is further amended by striking subsection (d) of Code Section 21-2-4, relating to distribution of summaries of constitutional amendments, and inserting in lieu thereof a new subsection (d) to read as follows:

"(d) The Secretary of State is authorized to provide for the preparation of a supply of audio tapes, compact discs, or other media or an Internet website which shall contain the summary of each proposed general amendment to the Constitution as provided in subsection (a) of this Code section, together with a listing of the candidates for each of the state representatives to the United States Congress and the candidates for every public office elected by the electors of the entire state. A sufficient number of the audio tapes, compact discs, or other media may be prepared as will permit the distribution of at least one tape, disc, or other media form to each of the public libraries within the state for the purpose of providing voting information and assistance to any interested citizen. The Secretary of State may cause a supply of the tapes, discs, or other media to be prepared and distributed as soon as practicable after the summary has been prepared and the names of the candidates for each of the public offices to be included are known to be candidates. If the Secretary of State provides such information through an Internet website, it shall not be necessary to provide such information by audio tape, compact disc, or other media."
SECTION 3.

Said chapter is further amended by striking Code Section 21-2-8, relating to eligibility for nomination, election, and performance of certain acts, and inserting in lieu thereof a new Code Section 21-2-8 to read as follows:

"21-2-8.
No person shall be eligible for party nomination for or election to public office, nor shall he or she perform any official acts or duties as a superintendent, registrar, deputy registrar, poll officer, or party officer, as set forth in this chapter, in connection with any election or primary held under this chapter, if under the laws of this state, any other state, or the United States he or she has been convicted and sentenced, in any court of competent jurisdiction, for fraudulent violation of primary or election laws, malfeasance in office, or felony involving moral turpitude, unless such person's civil rights have been restored and at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude. Additionally, the person shall not be holding illegally any public funds. In the event of the disqualification of the superintendent as described in this Code section, the clerk of the superior court shall act in his or her stead. Notwithstanding the above, the governing authority of a municipality shall appoint an individual to serve as superintendent for municipal elections or municipal primaries in the event of the disqualification of the municipal superintendent, unless the municipality has contracted with a county government for the provision of election services, in which event the clerk of the superior court shall act in place of a disqualified superintendent."

SECTION 4.

Said chapter is further amended by striking subsection (b) of Code Section 21-2-9, relating to date of election for offices, and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) All general municipal elections to fill municipal offices shall be held on the Tuesday next following the first Monday in November in each odd-numbered year. Public notice of such elections shall be published by the governing authority of the municipality in a newspaper of general circulation in the municipality at least 30 days prior to the elections."

SECTION 5.

Said chapter is further amended by striking Code Section 21-2-33.1, relating to the enforcement of the chapter, and inserting in lieu thereof a new Code Section 21-2-33.1 to read as follows:
21-2-33.1.

(a) The State Election Board is vested with the power to issue orders, after the completion of appropriate proceedings, directing compliance with this chapter or prohibiting the actual or threatened commission of any conduct constituting a violation, which order may include a provision requiring the violator:

(1) To cease and desist from committing further violations;

(2) To pay a civil penalty not to exceed $5,000.00 for each violation of this chapter or for each failure to comply with any provision of this chapter or of any rule or regulation promulgated under this chapter. Such penalty may be assessed against an individual, a governing authority which employs or compensates an individual, or both; any violator as the State Election Board deems appropriate;

(3) To publicly reprimand an individual or governing authority any violator found to have committed a violation;

(4) To require that restitution be paid by any violator to a state, county, or city governing authority when it has suffered a monetary loss or damage as the result of a violation;

(5) To require individuals violators to attend training as specified by the board; and

(6) To assess investigative costs incurred by the board against an individual or the governing authority which employs or compensates an individual any violator found to have committed a violation.

(b) A civil penalty shall not be assessed against any person violator except after notice and hearing as provided by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

In addition to the State Election Board, any contested case may be held before any representative of such board who has been selected and appointed by such board for such purpose. The amount of any civil penalty finally assessed shall be recoverable by a civil action brought in the name of the State Election Board. All moneys recovered pursuant to this Code section shall be deposited in the state treasury.

(c) The Attorney General of this state shall, upon complaint by the State Election Board, or may, upon the Attorney General’s own initiative if after examination of the complaint and evidence the Attorney General believes a violation has occurred; bring an action in the superior court in the name of the State Election Board for a temporary restraining order or other injunctive relief or for civil penalties assessed against any person violating violator of any provision of this chapter or any rule or regulation duly issued by the State Election Board.

(d) Any action brought by the Attorney General to enforce civil penalties assessed against any person for violating the provisions any violator of this chapter or any rule or regulation duly issued by the State Election Board or any order issued by the State Election Board ordering compliance or to cease and desist from further violations shall be brought in the

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superior court of the county of the residence of the party against whom relief is sought.
Service of process shall lie in any jurisdiction within the state. In such actions, the superior
court inquiry will be limited to whether notice was given by the State Election Board to the
violator in compliance with the Constitution and the rules of procedure of Chapter 13 of
Title 50, the 'Georgia Administrative Procedure Act.' Upon satisfaction that notice was
given and a hearing was held pursuant to Chapter 13 of Title 50, the 'Georgia
Administrative Procedure Act,' the superior court shall enforce the orders of the State
Election Board and the civil penalties assessed under this chapter and the superior court
shall not make independent inquiry as to whether the violations have occurred.
(c) In any action brought by the Attorney General to enforce any of the provisions of this
chapter or of any rule or regulation issued by the State Election Board, the judgment, if in
favor of the State Election Board, shall provide that the defendant pay to the State Election
Board the costs, including reasonable attorneys' fees, incurred by the State Election Board
in the prosecution of such action.*

SECTION 6.
Said chapter is further amended by striking paragraph (15) of subsection (a) of Code Section
21-2-50, relating to powers and duties of the Secretary of State, and inserting in lieu thereof
a new paragraph (15) to read as follows:
"(15) To develop, program, and build, and review ballots for use by counties and
municipalities on direct recording electronic (DRE) voting systems in use in the state.*

SECTION 7.
Said chapter is further amended by striking Code Section 21-2-72, relating to primary and
election records to be open to the public, and inserting in lieu thereof a new Code Section
21-2-72 to read as follows:
"21-2-72.
Except when otherwise provided by law or court order, the primary and election records
of each governing authority; superintendent, registrar, municipal governing authority; and
committee of a political party or body, including registration statements, nomination
petitions, affidavits, certificates, tally papers, returns, accounts, contracts, reports, and other
documents in official custody, except the contents of voting machines, shall be open to
public inspection and may be inspected and copied by any elector of the county or
municipality during usual business hours at any time when they are not necessarily being
used by the custodian or his or her employees having duties to perform in reference thereto;
provided, however, that such public inspection shall only be in the presence of the
custodian or his or her employee and shall be subject to proper regulation for the
safekeeping of such documents and subject to the further provisions of this chapter. The
custodian shall also, upon request, if photocopying equipment is available in the building
in which the records are housed, make and furnish to any member of the public copies of
any of such records upon payment of the actual cost of copying the records requested."

SECTION 8.
Said chapter is further amended by striking Code Section 21-2-73, relating to preservation
of primary and election records, and inserting in lieu thereof a new Code Section 21-2-73 to
read as follows:

"21-2-73.
All primary and election documents on file in the office of the election superintendent of
each county, municipal governing authority, superintendent, registrar, committee of a
political party or body, or other officer shall be preserved therein for a period of at least 24
months and then the same may be destroyed unless otherwise provided by law."

SECTION 9.
Said chapter is further amended by striking Code Section 21-2-90, relating to the
appointment of a chief manager and assistant managers, and inserting in lieu thereof a new
Code Section 21-2-90 to read as follows:

"21-2-90.
All elections and primaries shall be conducted in each precinct by a board consisting of a
chief manager, who shall be chairperson of such board, and two assistant managers assisted
by clerks. The managers of each precinct shall be appointed by the superintendent or, in
the case of municipal elections, by the municipal governing authority. If the political
parties involved elect to do so, they may submit to the superintendent or municipal
governing authority, for consideration in making such appointment, a list of qualified
persons. When such lists are submitted to the appropriate office, the superintendent or
municipal governing authority, insofar as practicable, shall make appointments so that there
shall be equal representation on such boards for the political parties involved in such
elections or primaries. The superintendent or municipal governing authority shall make
each appointment by entering an order which shall remain of record in the appropriate
office and shall transmit a copy of such order to the appointee. The order shall include the
name and address of the appointee, his or her title, and a designation of the precinct and
primary or election in which he or she is to serve."
SECTION 10.

Said chapter is further amended by striking subsection (a) of Code Section 21-2-99, relating to instruction of poll officers and workers in election procedures, and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) The election superintendent shall provide adequate training to all poll officers and poll workers regarding the use of voting equipment, voting procedures, all aspects of state and federal law applicable to conducting elections, and the poll officers’ or poll workers’ duties in connection therewith before the first election in each election cycle prior to each general primary and general election and each special primary and special election; provided, however, such training shall not be required for a special election held between the date of the general primary and the general election. Upon successful completion of such instruction, the superintendent shall give to each poll officer and poll worker a certificate to the effect that such person has been found qualified to conduct such primary or election with the particular type of voting equipment in use in that jurisdiction. Additionally, the superintendent shall notify the Secretary of State on forms to be provided by the Secretary of State of the date when such instruction was held and the number of persons attending and completing such instruction. For the purpose of giving such instructions, the superintendent shall call such meeting or meetings of poll officers and poll workers as shall be necessary. Each poll officer shall, upon notice, attend such meeting or meetings called for his or her instruction."

SECTION 11.

Said chapter is further amended by striking subsection (e) of Code Section 21-2-100, relating to training of local election officials, and inserting in lieu thereof a new subsection (e) to read as follows:

"(e) A superintendent or registrar and the county or municipal governing authority which employs the superintendent or registrar may be fined by the State Election Board for failure to attend the training required in this Code section."

SECTION 12.

Said chapter is further amended by striking subsection (c) of Code Section 21-2-101, relating to certification program for election superintendents or election board designee, and inserting in lieu thereof a new subsection (c) to read as follows:

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

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SECTION 13.

Said chapter is further amended by striking paragraph (3) of subsection (d) of Code Section 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit, and inserting in lieu thereof a new paragraph (3) to read as follows:

"(3) Each candidate for municipal office or a designee shall file a notice of candidacy in the office of the municipal superintendent of such candidate’s municipality during the municipality’s qualifying period. Each municipal superintendent shall designate the days of the qualifying period, which shall be no less than three days and no more than five days. The days of the qualifying period shall be consecutive days. Qualifying periods shall comply with the following:

(A) In the case of a general election held in an odd-numbered year, the municipal qualifying period shall commence no earlier than 8:30 A.M. on the second Monday in September immediately preceding the general election and shall end no later than 4:30 P.M. on the following Friday;

(B) In the case of a general election held in an even-numbered year, the municipal qualifying period shall commence no earlier than 8:30 A.M. on the last Monday in August immediately preceding the general election and shall end no later than 4:30 P.M. on the following Friday; and

(C) In the case of a special election, the municipal qualifying period shall commence no earlier than the date of the call and shall end no later than 25 days prior to the election.

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

SECTION 14.

Said chapter is further amended by striking subsections (c), (d), (f), and (i) of Code Section 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit, and inserting in lieu thereof new subsections (c), (d), (f), and (i) to read as follows:

"(c) Except as provided in subsection (i) of this Code section, all candidates seeking election in a nonpartisan election shall file their notice of candidacy and pay the prescribed qualifying fee by the date prescribed in this subsection in order to be eligible to have their names placed on the nonpartisan election ballot by the Secretary of State or election superintendent, as the case may be, in the following manner:

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(1) Each candidate for the office of judge of the superior court, Judge of the Court of Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file a notice of candidacy, giving his or her name, residence address, and the office sought, in the office of the Secretary of State no earlier than 9:00 A.M. on the fourth Monday in April June immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in April June, notwithstanding the fact that any such days may be legal holidays; and

(2) Each candidate for a county judicial office, a local school board office, or an office of a consolidated government, except those offices which on July 1, 2001, were covered by local Acts of the General Assembly which provided for election in a nonpartisan election without a prior nonpartisan primary; or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file notice of candidacy in the office of the superintendent no earlier than 9:00 A.M. on the fourth Monday in April June immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in April June, notwithstanding the fact that any such days may be legal holidays.

(d) Except as provided in subsection (i) of this Code section, all political body and independent candidates shall file their notice of candidacy and pay the prescribed qualifying fee by the date prescribed in this subsection in order to be eligible to have their names placed on the election ballot by the Secretary of State or election superintendent, as the case may be, in the following manner:

(1) Each candidate for federal or state office, or his or her agent, desiring to have his or her name placed on the election ballot shall file a notice of his or her candidacy, giving his or her name, residence address, and the office he or she is seeking, in the office of the Secretary of State no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in June in the case of a general election and no earlier than the date of the call of the election and no later than 25 days prior to the election in the case of a special election;

(2) Each candidate for a county office, including those offices which on July 1, 2001, were covered by local Acts of the General Assembly which provided for election in a nonpartisan election without a prior nonpartisan primary; or his or her agent, desiring to have his or her name placed on the election ballot shall file notice of his or her candidacy in the office of the superintendent of his or her county no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in June in the case of a general election and no
earlier than the date of the call of the election and no later than 25 days prior to the
election in the case of a special election;

(3) Each candidate for municipal office or a designee shall file a notice of candidacy in
the office of the municipal superintendent of such candidate’s municipality during the
municipality’s qualifying period. Each municipal superintendent shall designate the days
of the qualifying period, which shall be no less than three days and no more than five
days. The days of the qualifying period shall be consecutive days. Qualifying periods
shall comply with the following:

(A) In the case of a general election held in an odd-numbered year, the municipal
qualifying period shall commence no earlier than 8:30 A.M. on the second Monday in
September immediately preceding the general election and shall end no later than 4:30
P.M. on the following Friday;

(B) In the case of a general election held in an even-numbered year, the municipal
qualifying period shall commence no earlier than 8:30 A.M. on the last Monday in
August immediately preceding the general election and shall end no later than 4:30
P.M. on the following Friday; and

(C) In the case of a special election, the municipal qualifying period shall commence
no earlier than the date of the call and shall end no later than 25 days prior to the
election.

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

(f) Each candidate required by this Code section to file a notice of candidacy shall
accompany his or her notice of candidacy with an affidavit stating:

(1) His or her full name and the name as the candidate desires it to be listed on the ballot,
The surname of the candidate shall be the surname of the candidate as it appears on the
candidate’s voter registration card. Unless the candidate provides proof that his or her
surname as it appears on the candidate’s registration card is incorrect in which event the
correct name shall be listed. After such name is submitted to the Secretary of State or the
election superintendent, the form of such name shall not be changed during the election
for which such notice of candidacy is submitted;

(2) His or her residence, with street and number, if any, and his or her post office
address;

(3) His or her profession, business, or occupation, if any;

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(4) The name of his or her precinct;
(5) That he or she is an elector of the county or municipality of his or her residence eligible to vote in the election in which he or she is a candidate;
(6) The name of the office he or she is seeking;
(7) That he or she is eligible to hold such office;
(8) That the candidate has never been convicted and sentenced in any court of competent jurisdiction for fraudulent violation of primary or election laws, malfeasance in office, or felony involving moral turpitude or conviction of domestic violence under the laws of this state or any other state or of the United States, or that the candidate's civil rights have been restored and that at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude;
(9) That he or she will not knowingly violate this chapter or rules and regulations adopted under this chapter; and
(10) Any other information as may be determined by the Secretary of State to be necessary to comply with federal and state law.
The affidavit shall contain such other information as may be prescribed by the officer with whom the candidate files his or her notice of candidacy."
"(i) Notwithstanding any other provision of this chapter to the contrary, for general elections held in the even-numbered year immediately following the official release of the United States decennial census data to the states for the purpose of redistricting of the legislatures and the United States House of Representatives, candidates in such elections shall qualify as provided in this subsection:
(1) All candidates seeking election in a nonpartisan election shall file their notice of candidacy and pay the prescribed qualifying fee by the date prescribed in this paragraph in order to be eligible to have their names placed on the nonpartisan election ballot by the Secretary of State or election superintendent, as the case may be, in the following manner:
(A) Each candidate for the office of judge of the superior court, Judge of the Court of Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file a notice of candidacy, giving his or her name, residence address, and the office sought, in the office of the Secretary of State no earlier than 9:00 A.M. on the third Wednesday in June last Monday in July immediately prior to the election and no later than 12:00 Noon on the Friday following the third Wednesday in June last Monday in July, notwithstanding the fact that any such days may be legal holidays; and
(B) Each candidate for a county judicial office, a local school board office, or an office of a consolidated government, except those offices which on July 1, 2001, were covered
by local Acts of the General Assembly which provided for election in a nonpartisan
election without a prior nonpartisan primary; or the candidate's agent, desiring to have
his or her name placed on the nonpartisan election ballot shall file a notice of candidacy
in the office of the superintendent no earlier than 9:00 A.M. on the third Wednesday in
June last Monday in July immediately prior to the election and no later than 12:00 Noon
on the Friday following the third Wednesday in June last Monday in July,
notwithstanding the fact that any such days may be legal holidays;
(2) All political body and independent candidates shall file their notice of candidacy and
pay the prescribed qualifying fee by the date prescribed in this paragraph in order to be
eligible to have their names placed on the general election ballot by the Secretary of State
or election superintendent, as the case may be, in the following manner:
   (A) Each candidate for federal or state office, or his or her agent, desiring to have his
or her name placed on the general election ballot shall file a notice of his or her
candidacy, giving his or her name, residence address, and the office he or she is
seeking, in the office of the Secretary of State no earlier than 9:00 A.M. on the last
Monday in July immediately prior to the election and no later than 12:00 Noon on the
Friday following the last Monday in July; and
   (B) Each candidate for a county office, including those offices which on July 1, 2001,
were covered by local Acts of the General Assembly which provided for election in a
nonpartisan election without a prior nonpartisan primary; or his or her agent, desiring
to have his or her name placed on the general election ballot shall file notice of his or
her candidacy in the office of the superintendent of his or her county no earlier than
9:00 A.M. on the last Monday in July immediately prior to the election and no later than
12:00 Noon on the Friday following the last Monday in July; and
(3) Candidates required to file nomination petitions under subsection (e) of this Code
section shall file such petitions not earlier than 9:00 A.M. on the fourth Monday in July
immediately prior to the general election and not later than 12:00 Noon on the first
Monday in August immediately prior to the general election."

SECTION 15.

Said chapter is further amended by striking subsection (a) of Code Section 21-2-133, relating
to write-in candidacy, and inserting in lieu thereof a new subsection (a) to read as follows:
"(a) No person elected on a write-in vote shall be eligible to hold office unless notice of
his or her intention of candidacy was filed and published no earlier than January 1 and no
later than the Tuesday after the first Monday in September prior to the election for county,
state, and federal elections; no later than seven days after the close of the municipal
qualifying period for municipal elections in the case of a general election; no earlier than
January 1 and no later than the Tuesday after the first Monday in June in the case of a nonpartisan election for a state or county office which was not covered by a local Act of the General Assembly on July 1, 2001, which provided for election in a nonpartisan election without a prior nonpartisan primary; no later than the third Monday in July in the case of a nonpartisan election for a state or county office which was not covered by a local Act of the General Assembly on July 1, 2001, which provided for election in a nonpartisan election without a prior nonpartisan primary held in the even-numbered year immediately following the official release of the United States decennial census data to the states for the purpose of redistricting of the legislatures and the United States House of Representatives; or at least 20 or more days prior to no later than seven days after the close of the special election qualifying period for a special election by the person to be a write-in candidate or by some other person or group of persons qualified to vote in the subject election, as follows:

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

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

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

SECTION 16.

Said chapter is further amended by striking paragraph (1) of subsection (a) and paragraph (3) of subsection (b) of Code Section 21-2-134, relating to withdrawal, death, or disqualification of candidate for office, and inserting in lieu thereof a new paragraph (1) of subsection (a) and paragraph (3) of subsection (b) to read as follows:

"(1) A candidate nominated at any primary election or nominated by means other than a primary may withdraw as a candidate at the ensuing general election by filing a notarized affidavit of withdrawal with the Secretary of State, if nominated for a state office; the county superintendent, if nominated for a county office; or the municipal superintendent, if nominated for a municipal office. The qualifying fee shall not be returned to the candidate. If the ballots have been printed, the Secretary of State or the county or municipal superintendent may reprint the ballots to omit the name of the withdrawn candidate. All votes cast for the withdrawn candidate shall be void and shall not be counted. Prominent notices shall be posted in all polling places in which the name of the withdrawn candidate appears on the ballot stating that the candidate has withdrawn
and that all votes cast for such withdrawn candidate shall be void and shall not be counted. No vacancy on the ballot for a general election or for a nonpartisan election shall be filled except by reason of the withdrawal; death; or disqualification of a candidate or the withdrawal of a candidate as provided in paragraph (2) of subsection (b) of this Code section."

"(3) Any vacancy which occurs in any party nomination filled by a primary and which is created by reason of the withdrawal of a candidate less than 60 days prior to the date of the election shall not be filled in the same manner as provided in subparagraph (A), (B), (C), or (D) of paragraph (1) of this subsection, as appropriate. The qualifying fee shall not be returned to the candidate. If the ballots have been printed, the Secretary of State or the county or municipal superintendent may reprint the ballots to omit the name of the withdrawn candidate. All votes cast for the withdrawn candidate shall be void and shall not be counted. Prominent notices shall be posted in all polling places in which the name of the withdrawn candidate appears on the ballot stating that the candidate has withdrawn and that all votes cast for such withdrawn candidate shall be void and shall not be counted."

SECTION 17.

Said chapter is further amended by striking Code Section 21-2-138, relating to nonpartisan elections for judicial offices, and inserting in lieu thereof a new Code Section 21-2-138 to read as follows:

"21-2-138.

The names of all candidates who have qualified with the Secretary of State for the office of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court of this state and the names of all candidates who have qualified with the election superintendent for the office of judge of a state court shall be placed on the ballot in a nonpartisan election to be held and conducted jointly with the general primary election in each even-numbered year; provided that nonpartisan elections for the office of judge of the state court which was covered on July 1, 2001, by a local Act of the General Assembly which provided for election in a nonpartisan election without a prior nonpartisan primary shall be held and conducted jointly with the general election in even-numbered years. No candidates for any such office shall be nominated by a political party or by a petition as a candidate of a political body or as an independent candidate. Candidates for any such office; except offices which were covered on July 1, 2001, by a local Act of the General Assembly which provided for election in a nonpartisan election without a prior nonpartisan primary; shall have their names placed on the nonpartisan portion of each political party ballot by complying with the requirements prescribed in Code Section 21-2-132.
specifically related to such nonpartisan candidates and by paying the requisite qualifying
fees as prescribed in Code Section 21-2-131. The Secretary of State may provide for the
printing of independent ballots containing the names of the nonpartisan candidates for those
voters not affiliated with a political party. Candidates shall be listed on the official ballot
in a nonpartisan election as provided in Code Sections 21-2-284.1 and 21-2-285.1,
respectively. Except as otherwise specified in this chapter, the procedures to be employed
in conducting the nonpartisan election of judges of state courts, judges of superior courts,
Judges of the Court of Appeals, and Justices of the Supreme Court shall conform as nearly
as practicable to the procedures governing general primaries and general elections; and
such general primary and general election procedures as are necessary to complete this
nonpartisan election process shall be adopted in a manner consistent with such nonpartisan
elections."

SECTION 18.

Said chapter is further amended by striking subsection (a) of Code Section 21-2-139, relating
to nonpartisan elections authorized, and inserting in lieu thereof a new subsection (a) to read
as follows:

"(a) Notwithstanding any other provisions of this chapter to the contrary, the General
Assembly may provide by local Act for the election in nonpartisan elections of candidates
to fill county judicial offices, offices of local school boards, and offices of consolidated
governments which are filled by the vote of the electors of said county or political
subdivision. Except as otherwise provided in this Code section, the procedures to be
employed in such nonpartisan elections shall conform as nearly as practicable to the
procedures governing nonpartisan elections as provided in this chapter. Except as
otherwise provided in this Code section, the election procedures established by any existing
local law which provides for the nonpartisan election of candidates to fill county offices
shall conform to the general procedures governing nonpartisan elections as provided in this
chapter, and such nonpartisan elections shall be conducted in accordance with the
applicable provisions of this chapter, notwithstanding the provisions of any existing local
law. For those offices for which the General Assembly as of July 1, 2001, pursuant to this
Code section, provided by local Act for election in nonpartisan primaries and elections,
such offices shall no longer require nonpartisan primaries. Such officers shall be elected
in nonpartisan elections held and conducted in conjunction with the November general
primary election in accordance with this chapter without a prior nonpartisan primary. For
those offices for which the General Assembly as of July 1, 2001, provided by local Act for
election in a nonpartisan election without a prior nonpartisan primary, such offices shall
be elected in nonpartisan elections held and conducted in conjunction with the November
general election without a prior nonpartisan primary. Nonpartisan elections for municipal offices shall be conducted on the dates provided in the municipal charter."
years have elapsed from the date of the completion of the sentence without a subsequent
conviction of another felony involving moral turpitude;
(9) That he or she will not knowingly violate this chapter or rules or regulations adopted
under this chapter; and
(10) Any other information as may be determined by the Secretary of State to be
necessary to comply with federal and state law."

SECTION 21.
Said chapter is further amended by striking subsection (d) of Code Section 21-2-153.1,
relating to qualification of candidates for party nomination in a municipal primary, and
inserting in lieu thereof a new subsection (d) to read as follows:
"(d) Each candidate for party nomination described in subsection (a) of this Code section
shall file an affidavit with the political party at the time of his or her qualifying stating:
(1) His or her full name and the name as the candidate desires it to be listed on the ballot.
The surname of the candidate shall be the surname of the candidate as it appears on the
candidate’s voter registration card. After such name is submitted by the candidate to the
political party, the form of such name shall not be changed during the primary and
election for which such affidavit is submitted;
(2) His or her residence, with street and number, if any, and his or her post office
address;
(3) His or her profession, business, or occupation, if any;
(4) The name of his or her precinct;
(5) That he or she is an elector of the municipality of his or her residence and is
eligible to vote in the primary election in which he or she is a candidate for nomination;
(6) The name of the office he or she is seeking;
(7) That he or she is eligible to hold such office;
(8) That he or she has never been convicted and sentenced in any court of competent
jurisdiction for fraudulent violation of primary or election laws, malfeasance in office,
or felony involving moral turpitude under the laws of this state or any other state or of the
United States, or that his or her civil rights have been restored; and
(9) That he or she will not knowingly violate this chapter or any rules and regulations
adopted under this chapter."

SECTION 22.
Said chapter is further amended by striking subsections (c) and (e) of Code Section 21-2-212,
relating to county registrars, and inserting in lieu thereof new subsections (c) and (e) to read
as follows:
"(c) The governing authority of each municipality shall appoint registrars as necessary, and
the appointments shall be entered on the minutes of the such governing authority. The
governing authority shall designate one of the registrars as chief registrar. The
chief registrar will serve as such during such registrar’s term of office, and such
designation shall likewise be entered on the minutes of the such governing authority. Such
registrars shall serve at the pleasure of the municipal governing authority, and
compensation of the registrars shall be fixed by the such governing authority. Any registrar
shall have the right to resign at any time by submitting a resignation to such governing
authority. In the event of any such removal or resignation of a registrar, such registrar’s
duties and authority as such shall terminate instantly. Successors to resigned registrars
shall be appointed by the municipal governing authority. Each appointment or change in
designation shall be entered on the minutes of the such governing authority and certified
by the governing authority. The municipal governing authority may furnish such
employees and facilities as it deems necessary for the operation of the office and the affairs
of the registrars."

"(e) Any other provision of this Code section to the contrary notwithstanding, in any
county of this state having a population of more than 600,000 according to the United
States decennial census of 1990 or any future such census, the governing authority of the
county shall appoint the county registrars in lieu of the judge of the superior court. The
appointments shall be entered on the minutes of the county governing authority. The
county governing authority shall designate one of the registrars as chief registrar, who shall
serve as such during such registrar’s term of office. Such designation shall likewise be
entered on the minutes of the such governing authority. It shall be the duty of the county
governing authority to certify the appointments and designation to the Secretary of State
within 30 days after such appointments and designation. In certifying such names to the
Secretary of State, the county governing authority shall also list the addresses of the
registrars. Such registrars shall serve at the pleasure of the governing authority of the
county, and the compensation of the registrars shall be fixed by the governing authority of
the county. Any registrar shall have the right to resign at any time by submitting a
resignation to the such governing authority. In the event of the death, resignation, or
removal of any registrar, such registrar’s duties and authority as such shall terminate
instantly. Successors shall be appointed by the county governing authority. Each
appointment or change in designation shall be entered on the minutes of the such governing
authority and certified as provided in this Code section. The first appointments in any such
county under this article shall be made in the year 1965, and the persons appointed shall
assume office July 1, 1965. The governing authorities of such counties may furnish such
employees and facilities as they deem necessary for the operation of the office and affairs
of the registrars."

SECTION 23.

Said chapter is further amended by repealing subsection (j) of Code Section 21-2-215,
relating to registrars, registration, and the digitization of signatures from voter registration
cards, which reads as follows:

"(j) At such time as the Secretary of State certifies that a system for the digitization of all
or a portion of the completed registration cards is operational, the board of registrars shall
expeditiously transmit the registration card for each elector whose registration has been
approved to the Secretary of State. The Secretary of State shall retain such cards after
processing for the period of time set forth in this article."

SECTION 24.

Said chapter is further amended by striking subsections (c) and (d) of Code Section 21-2-220,
relating to application for registration, and inserting in lieu thereof new subsections (c) and
(d) to read as follows:

"(c) Except as otherwise provided in this subsection, electors who register to vote for the
first time in this state by mail must present current and valid identification either when
registering to vote by mail or when voting for the first time after registering to vote by mail.
The current and valid identification shall be one or more of those forms of identification
provided in subsection (c) of Code Section 21-2-417 or a legible copy thereof. The
registrars shall make copies of any original forms of identification submitted by applicants
and return the originals to the applicants. The requirement to submit identification shall
not apply to:

(1) Persons who submit identifying information with their applications that the registrars
are able to match to information contained on a state database available to such registrars
containing the same number, name, and date of birth as contained in the application;
(2) Persons who are entitled to vote by absentee ballot under the federal Uniformed and
Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq.; or
(3) Persons who are entitled to vote otherwise than in person under any other federal law.
(d) If an applicant fails to provide all of the required information on the application for
voter registration with the exception of current and valid identification, the board of
registrars shall notify the registrant in writing of the missing information. The board of
registrars shall not determine the eligibility of the applicant until and unless all required
information is supplied by the applicant. If the initial application is received prior to the
close of voter registration prior to an election, if the applicant supplies the necessary
information on or prior to the date of the election, and if the applicant is found eligible to
vote, the applicant shall be added to the list of electors and shall be permitted to vote in the
election and any run-off elections resulting therefrom and subsequent elections; provided,
however, that voters who registered to vote for the first time in this state by mail must
supply current and valid identification when voting for the first time as required in
subsection (c) of this Code section. In the event the elector does not respond to the request
for the missing information within 30 days, the application shall be rejected.”

SECTION 25.
Said chapter is further amended by striking subsection (g) of Code Section 21-2-224, relating
to official list of electors, and inserting in lieu thereof a new subsection (g) to read as follows:
'(g) The official list of electors and the official list of inactive electors prepared and
distributed to the poll officers of each precinct shall include only the elector’s name,
address, ZIP Code, date of birth, voter identification number, a designation of whether the
elector registered for the first time in this state by mail and is required to comply with Code
Sections 21-2-220 and 21-2-417, congressional district, state Senate district, state House
district, county commission district, if any, county or independent board of education
district, if any, and municipal governing authority district designations, if any, and such
other voting districts, if any. The official list of electors and the official list of inactive
electors prepared and distributed to the poll officers of each precinct may also include
codes designating that an elector has voted by absentee ballot, has been challenged, or has
been sent mail by the registrars which has been returned marked undeliverable. No person
whose name does not appear on the official list of electors shall vote or be allowed to vote
at any election, except as otherwise provided in this article. The county registrars shall
ensure that the information required to notify poll officers that an elector registered to vote
for the first time in this state by mail and must comply with subsection (e) of Code Section
21-2-220 and subsection (c) of Code Section 21-2-417 is placed on each list of electors to
be used at a polling place.”

SECTION 26.
Said chapter is further amended by striking subsection (b) of Code Section 21-2-225, relating
to confidentiality of original registration applications, and inserting in lieu thereof a new
subsection (b) to read as follows:
'(b) All data collected and maintained on electors whose names appear on the list of
electors maintained by the Secretary of State pursuant to this article shall be available for
public inspection with the exception of bank statements submitted pursuant to subsection
(b) (c) of Code Section 21-2-220 and subsection (c) of Code Section 21-2-417 and the
social security numbers of the electors and the locations at which the electors applied to
register to vote which shall remain confidential and be used only for voter registration
purposes; provided, however, that social security numbers of electors may be made
available to other state agencies if the agency is authorized to maintain information by
social security number and the information is used only to identify the elector on the
receiving agency’s data base and is not disseminated further and remains confidential."

SECTION 27.
Said chapter is further amended by striking subsection (a) of Code Section 21-2-230, relating
to challenge of persons on list of electors by other electors, and inserting in lieu thereof a new
subsection (a) to read as follows:
"(a) Any elector of the county or municipality may challenge the right of any other elector
of the county or municipality, whose name appears on the list of electors, to vote in an
election. Such challenge shall be in writing and specify distinctly the grounds of such
challenge. Such challenge may be made at any time prior to the elector whose right to vote
is being challenged voting at the elector’s polling place or, if such elector cast an absentee
ballot, prior to 5:00 P.M. on the day before the election; provided, however, that
challenges to persons voting by absentee ballot in person at the office of the registrars or
the absentee ballot clerk whose vote is cast on a DRE unit must be made prior to such
person’s voting."

SECTION 28.
Said chapter is further amended by striking subsection (f) of Code Section 21-2-231, relating
to lists of persons convicted of felonies, persons declared mentally incompetent, and
deceased persons provided to Secretary of State, and inserting in lieu thereof a new
subsection (f) to read as follows:
"(f) County registrars shall initiate appropriate action regarding the right of an elector to
remain on the list of qualified registered voters within 60 days after receipt of the
information described in this Code section. Failure to take such action may subject the
registrars or the county governing authority for whom the registrars are acting to a fine by
the State Election Board."

SECTION 29.
Said chapter is further amended by striking subsections (b) and (c) of Code Section 21-2-233,
relating to comparison of change of address information supplied by United States Postal
Service, and inserting in lieu thereof new subsections (b) and (c) to read as follows:
"(b) If it appears from the change of address information supplied by the licensees of the United States Postal Service that an elector whose name appears on the official list of electors has moved to a different address in the county in which the elector is presently registered, the list of electors shall be changed to reflect the new address and the elector shall be sent a notice of the change by forwardable mail at both the elector's old address and the new address with a postage prepaid, preaddressed return form by which the elector may verify or correct the address information. The registrars may also send a notice of the change by forwardable mail to the elector's new address with a postage prepaid, preaddressed return form by which the elector may verify or correct the address information.

c (c) If it appears from the change of address information supplied by the licensees of the United States Postal Service that an elector whose name appears on the official list of electors has moved to a different address outside of the boundaries of the county or municipality in which the elector is presently registered, such elector shall be sent a confirmation notice as provided in Code Section 21-2-234 at both the old and new addresses address of the elector. The registrars may also send a confirmation notice to the elector's new address. If the elector confirms the change of address to an address outside of the boundaries of the county or municipality in which the elector is presently registered, the elector's name shall be removed from the appropriate list of electors. If the elector responds to the notice and affirms that the elector has not moved, the elector shall remain on the list of electors at the elector's current address. If the elector fails to respond to the notice within 30 days after the date of the notice, the elector shall be transferred to the inactive list provided for in Code Section 21-2-235."

SECTION 30.
Said chapter is further amended by striking Code Section 21-2-264, relating to reimbursement of counties for costs incurred pursuant to alteration of precinct boundaries, and inserting in lieu thereof a new Code Section 21-2-264 to read as follows:

"21-2-264.
In all cases of the division, redivision, alteration, formation, or consolidation of precincts, the costs of the proceedings shall be paid by the county or municipal governing authority, as appropriate. There may be appropriated to the Secretary of State funds to be granted to counties or municipalities for purposes of meeting the requirements of Code Section 21-2-261.1. Upon the filing of a written request by the election officials of any qualified county or municipality, a qualified county or municipality shall be reimbursed for all reasonable expenses incurred by such county or municipality which are directly related to the redrawing of voting precinct boundaries, verification of voting precinct residency,
notification of voter precinct and polling place changes, and compilation and preparation
of the electors list as necessitated by Code Section 21-2-261.1; provided, however, that
such reimbursement of costs shall not exceed 25¢ per registered voter whose name
appeared on such county’s or municipality’s electors list as of January 1, 1982. Any
qualified county or municipality seeking reimbursement of such costs shall present an
itemized description of such costs to the Secretary of State. If the Secretary of State, after
a review of the report of such costs incurred by a county or municipality, shall find that all
or portions of such costs were reasonable and were directly related to the preparation of
such descriptions and lists, he or she shall approve all of those parts of the costs deemed
reasonable and shall reimburse the counties or municipalities for such expenses. Any state
funds necessary to carry out the provisions of this subsection shall come only from those
funds appropriated to the Secretary of State specifically for the purpose of implementing
the provisions of Code Section 21-2-261.1. If such funds are not sufficient to bear
completely the cost of fully implementing the provisions of Code Section 21-2-261.1,
payment to the counties or municipalities seeking assistance shall be made on a pro rata
basis subject to the availability of appropriated funds."

SECTION 31.

Said chapter is further amended by striking Code Section 21-2-267, relating to equipment,
arrangement, and storage relating to polling places, and inserting in lieu thereof a new Code
Section 21-2-267 to read as follows:

"21-2-267. (a) The governing authority of each county and municipality shall provide and the
superintendent shall cause all rooms used as polling places to be provided with suitable
heat and light and, in precincts in which ballots are used, with a sufficient number of voting
compartments or booths with proper supplies in which the electors may conveniently mark
their ballots, with a curtain, screen, or door in the upper part of the front of each
compartiment or booth so that in the marking thereof they may be screened from the
observation of others. A curtain, screen, or door shall not be required, however, for the
self-contained units used as voting booths in which direct recording electronic (DRE)
voting units are located if such booths have been designed so as to ensure the privacy of
the elector. When practicable, every polling place shall consist of a single room, every part
of which is within the unobstructed view of those present therein and shall be furnished
with a guardrail or barrier closing the inner portion of such room, which guardrail or barrier
shall be so constructed and placed that only such persons as are inside such rail or barrier
can approach within six feet of the ballot box and voting compartments, or booths, or
voting machines, as the case may be. The ballot box and voting compartments or booths
shall be so arranged in the voting room within the enclosed space as to be in full view of
those persons in the room outside the guardrail or barrier. The voting machine or machines
shall be placed in the voting rooms within the enclosed space so that, unless its construction
shall otherwise require, the ballot labels on the face of the machine can be plainly seen by
the poll officers when the machine is not occupied by an elector. In the case of direct
recording electronic (DRE) voting units, the units shall be arranged in such a manner as
to ensure the privacy of the elector while voting on such units, to allow monitoring of the
units by the poll officers while the polls are open, and to permit the public to observe the
voting without affecting the privacy of the electors as they vote.
(b) The superintendent, unless otherwise provided by law, may make such arrangements
as he or she deems proper for the storage of election equipment in the various precincts of
the county or municipality at such times of the year that it will not be used for election
purposes and may fix reasonable compensation therefor."

SECTION 32.
Said chapter is further amended by striking Code Section 21-2-268, relating to compensation
for rent, heat, light, and janitorial services for the use of public buildings, and inserting in lieu
thereof a new Code Section 21-2-268 to read as follows:
"21-2-268.
The superintendent or county or municipal governing authority shall fix the compensation
for rent, heat, light, and janitorial services to be paid for the use of polling places for
primaries and elections; provided, however, that no compensation for rent, heat, or light
shall be paid in the case of schoolhouses, municipal buildings or rooms, or other public
buildings used as polling places."

SECTION 33.
Said chapter is further amended by striking Code Section 21-2-280, relating to requirement
as to conduct of primaries and elections by ballot, and inserting in lieu thereof a new Code
Section 21-2-280 to read as follows:
"21-2-280.
All primaries and elections in this state shall be conducted by ballot, except when voting
machines are used as provided by law. A ballot may be electronic or printed on paper. All
ballots used in any primary or election shall be provided by the superintendent or
municipal governing authority in accordance with this article, and only official ballots
furnished by the superintendent or governing authority shall be cast or counted in any
primary or election in any precinct in which ballots are used."
SECTION 34.
Said chapter is further amended by striking Code Section 21-2-283, relating to printing and
safekeeping of ballots and labels by superintendent, and inserting in lieu thereof a new Code
Section 21-2-283 to read as follows:
"21-2-283.
In any primary or election, the superintendent or municipal governing authority shall cause
all the ballots and ballot labels to be printed accurately and in the form prescribed by this
chapter, and the superintendent or municipal governing authority shall be responsible for
the safekeeping of the same while in his or her or its possession or that of his or her or its
agent. The superintendent or municipal governing authority shall keep a record of the
number of official ballots printed and furnished to each precinct at each primary and
election, and the number of stubs, unused ballots, and canceled ballots subsequently
returned therefrom."

SECTION 35.
Said chapter is further amended by striking Code Section 21-2-284.1, relating to the form of
the ballot in nonpartisan elections, and inserting in lieu thereof a new Code Section
21-2-284.1 to read as follows:
"21-2-284.1.
n (a) The names of all candidates seeking election in a nonpartisan election conducted in
conjunction with a partisan primary shall be printed on the ballot of each political party;
and insofar as practicable such offices to be filled in a nonpartisan election shall be
separated from the names of political party candidates by being listed last on each political
party ballot, with the top of that portion of the ballot relating to the nonpartisan election to
have printed in prominent type the words 'OFFICIAL NONPARTISAN ELECTION
BALLOT.' Directions that explain how to cast a vote, how to write in a candidate, and how
to obtain a new ballot after one is spoiled shall appear immediately under the caption as
specified by rules and regulations of the State Election Board. Immediately under the
directions, the names of the nonpartisan candidates shall in all cases be arranged under the
title of the office for which they are candidates and be printed thereunder in alphabetical
order. No party designation or affiliation shall appear beside the name of any candidate for
nonpartisan office. An appropriate space shall also be placed on the ballot for the casting
of write-in votes for such offices. The incumbency of a nonpartisan candidate seeking
election to the public office he or she then holds shall be indicated on the ballots by
printing the word 'Incumbent' beside his or her name. Under the title of each office shall
be placed a direction as to the number of nonpartisan candidates to be voted for. The votes
cast for each nonpartisan candidate listed on all political party ballots shall be combined