to determine the total number of votes received by each candidate in the nonpartisan
election. In the event that a candidate in such nonpartisan election does not receive a
plurality of the total votes cast for such office, there shall be a nonpartisan election runoff
between the candidates receiving the two highest numbers of votes for such office; and the
names of such candidates shall be placed on each political party ballot at the general
primary runoff in the same nonpartisan portion as prescribed in this Code section. If no
political party runoff is required, the form of the ballot for the nonpartisan election runoff
shall be prescribed by the Secretary of State or election superintendent in essentially the
same format prescribed for nonpartisan elections. The candidate receiving the highest
number of votes cast in the nonpartisan election runoff shall be declared duly elected to
such office:

(b) In the case of nonpartisan municipal primaries, the form of the official nonpartisan
primary ballot shall conform insofar as practicable to the form of the official primary ballot
as detailed in Code Section 21-2-284, except that:

(1) The following shall be printed at the top of each ballot in prominent type:

'OFFICIAL NONPARTISAN PRIMARY BALLOT OF

(Name of Municipality)';

(2) There shall be no name or designation of any political organization nor any words,
designation, or emblems descriptive of a candidate's political affiliation printed under or
after any candidate's name which is printed on the ballot; and

(3) The incumbency of a candidate seeking election for the public office he or she then
holds shall be indicated on the ballot."

SECTION 36.

Said chapter is further amended by striking subsection (e) of Code Section 21-2-285, relating
to the form of the official election ballot, and inserting in lieu thereof a new subsection (e)
to read as follows:

"(e) When presidential electors are to be elected, the ballot shall not list the individual
names of the nominees candidates for presidential electors but shall list the names of each
political party or body for such offices shall be arranged alphabetically under or body and
the names of the candidates of the party or body for the offices of President and Vice
President of the United States. The individual names or the nominees of each political
party or body for such offices shall be posted at each polling place arranged alphabetically
under the names of the candidates of the party or body for President and Vice President of
the United States. A vote for the candidates for President and Vice President of a political
party or body shall be deemed to be a vote for each of the candidates for presidential
electors of such political party or body."

SECTION 37.
Said chapter is further amended by striking Code Section 21-2-285.1, relating to the form of
the ballot in nonpartisan elections, and inserting in lieu thereof a new Code Section
21-2-285.1 to read as follows:
The names of all candidates for offices which were covered on July 1, 2001, by a local Act
of the General Assembly which has by local Act provided for election in a nonpartisan
election without a prior nonpartisan primary shall be printed on each official election
ballot; and insofar as practicable such offices to be filled in the nonpartisan election shall
be separated from the names of candidates for other offices by being listed last on each
ballot, with the top of that portion of each official election 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 the elector spoils his or her ballot shall
appear immediately under the caption, as specified by rule or regulation of the State
Election Board. Immediately under the directions, the name of each such nonpartisan
candidate shall be arranged alphabetically by last name under the title of the office for
which they are candidates and be printed thereunder. The incumbency of a candidate
seeking election for the public office he or she then holds shall be indicated on the ballot.
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. In the event that no candidate in such nonpartisan
election receives a plurality majority of the total votes cast for such office, there shall be
a nonpartisan election runoff between the candidates receiving the two highest numbers of
votes; and the names of such candidates shall be placed on the official ballot at the general
election runoff in the same manner as prescribed in this Code section for the nonpartisan
election. In the event that only nonpartisan candidates are to be placed on a run-off ballot,
the form of the ballot shall be as prescribed by the Secretary of State or election
superintendent in essentially the same format as prescribed for the nonpartisan election.
The candidate having a plurality majority of the votes cast in the nonpartisan election or
the candidate receiving the highest number of votes cast in the nonpartisan election runoff
shall be declared duly elected to such office."
SECTION 38.

Said chapter is further amended by striking Code Section 21-2-320, relating to power of governing authority to authorize use of and to procure voting machines, and inserting in lieu thereof a new Code Section 21-2-320 to read as follows:

"21-2-320.

The governing authority of any county or municipality may at any regular meeting or at a special meeting called for the purpose, by a majority vote, authorize and direct the use of voting machines for recording and computing the vote at all elections held in the county or municipality; and thereupon the governing authority shall purchase, lease, rent, or otherwise procure voting machines conforming to the requirements of this part."

SECTION 39.

Said chapter is further amended by striking Code Section 21-2-321, relating to referendum on question of use of voting machines, and inserting in lieu thereof a new Code Section 21-2-321 to read as follows:

"21-2-321.

(a) The governing authority of any county or municipality which conducts elections by paper ballot may, upon its own motion, submit to the electors of the county or municipality, at any election, the question: 'Shall voting machines be used in ________?'

(b) The governing authority of any county or municipality which conducts elections by paper ballot, upon the filing of a petition with it signed by electors of the county equal in number to at least 1 percent of the total number of electors who voted in such county at the preceding general election or upon the receipt of a petition signed by at least 10 percent of the electors who voted in such municipality at the preceding general election, shall, at the next election occurring at least 45 days thereafter, submit to the electors of such county or municipality the question: 'Shall voting machines be used in ________?'

(c) The governing authority shall cause such question to be printed upon the ballots to be used at the election in the form and manner provided by the laws governing general elections.

(d) The election on such question shall be held at the places, during the hours, and under the regulations provided by law for holding general elections and shall be conducted by the poll officers provided by law to conduct such elections. The poll officers shall count the votes cast at the election on such question and shall make return thereof to the superintendent of such county or municipality as required by law. The returns shall be computed by the superintendent and, when so computed, a certificate of the total number of electors voting 'Yes' and of the total number of electors voting 'No' on such question.
shall be filed in the office of the municipal governing authority and in the office of the Secretary of State.

(e) Whenever, under this Code section, the question of the adoption of voting machines is about to be submitted to the electors of any county or municipality, it shall be the duty of the governing authority of such county or municipality to ascertain whether current funds will be available to pay for such machines, if adopted and purchased, or whether it has power to increase the indebtedness of the county or municipality in an amount sufficient to pay for the machines without the consent of the electors; and, if such current funds will not be available and the power to increase the indebtedness of the county or municipality in a sufficient amount without the consent of the electors is lacking, it shall be the duty of the governing authority to submit to the electors of the county or municipality, in the manner provided by law, at the same election at which the adoption of voting machines is to be voted on, the question of whether the indebtedness of such county or municipality shall be increased, in an amount specified by them, sufficient to pay for such voting machines, if adopted.

(f) If a majority of the electors voting on such question or questions shall vote in the affirmative, the governing authority of such county or municipality shall purchase, lease, or rent voting machines, conforming to the requirements of this part, for recording and computing the vote at all elections held in such county or municipality.*

SECTION 40.

Said chapter is further amended by striking Code Section 21-2-323, relating to installation of voting machines, and inserting in lieu thereof a new Code Section 21-2-323 to read as follows:

*21-2-323.

(a) When the use of voting machines has been authorized in the manner prescribed by Code Section 21-2-320 or 21-2-321, such voting machines shall be installed, either simultaneously or gradually, within the county or municipality. Upon the installation of voting machines in any precinct, the use of paper ballots therein shall be discontinued, except as otherwise provided by this chapter.

(b) In each precinct in which voting machines are used, the municipal governing authority shall provide at least one voting machine for each 500 electors, or major fraction thereof, except that at least one voting machine shall be provided in each such precinct in any case.

(c) Voting machines of different kinds may be used for different precincts in the same county or municipality.

(d) The municipal governing authority shall provide voting machines in good working order and of sufficient capacity to accommodate the names of a reasonable number of
candidates for all party offices and nominations and public offices, which, under existing laws and party rules, are likely to be voted for at any future primary or election."

SECTION 41.
Said chapter is further amended by striking subsection (g) of Code Section 21-2-324, relating to examination and approval of voting machines by Secretary of State, and inserting in lieu thereof a new subsection (g) to read as follows:

"(g) Neither the Secretary of State, nor any examiner appointed by him or her for the purpose prescribed by this Code section, nor any superintendent, nor the governing authority of any county or municipality or a member of such authority, nor any other person involved in the examination process shall have any pecuniary interest in any voting machine or in the manufacture or sale thereof."

SECTION 42.
Said chapter is further amended by striking Code Section 21-2-327, relating to preparation of voting machines, and inserting in lieu thereof a new Code Section 21-2-327 to read as follows:

"21-2-327.
(a) The superintendent of each county or municipality shall cause the proper ballot labels to be placed on each voting machine which is to be used in any precinct within such county or municipality, cause each machine to be placed in proper order for voting, examine each machine before it is sent out to a polling place, see that each registering counter on each machine is set at zero, lock each machine so that the counting machinery cannot be operated, and seal each machine with a numbered seal. The superintendent or his or her agent shall adjust each machine to be used at a primary, so that the poll officers may lock it on primary day, in such a way that each elector can vote only for the candidates seeking nomination by the political party in whose primary he or she is then voting and so that no elector can vote for the candidates seeking nomination by any political party in whose primary he or she is not then voting.

(b) The superintendent shall appoint one custodian of voting machines and such deputy custodians as may be necessary, whose duty it shall be to prepare the machines to be used in the county at the primaries and elections to be held therein. Each custodian and deputy custodian shall receive from the county or municipality such compensation as shall be fixed by the governing authority of the county or municipality. Such custodian shall, under the direction of the superintendent, have charge of and represent the superintendent during the preparation of the voting machines as required by this chapter, and he or she and the deputy custodians, whose duty it shall be to assist him or her in the discharge of his or her duties,
shall serve at the pleasure of the superintendent. Each custodian shall take an oath of
office framed by the Secretary of State, which shall be filed with the superintendent.
(c) On or before the twelfth day preceding a primary or election, including special
primaries, special elections, and referendum elections, the superintendent shall mail to the
foreperson of the grand jury, the chairperson of the county executive committee of each
political party which shall be entitled under existing laws to participate in primaries within
the county, and to the chairperson or presiding officer of any organization of citizens within
the county having as its purpose or among its purposes the investigation or prosecution of
primary and election frauds, which has registered its name and address and the names of
its principal officers with the superintendent at least 30 days before such primary or
election, and, in the case of an election, to the appropriate committee of each political body
which shall be entitled to have the names of its candidates entered on the voting machines,
and to each independent candidate who shall be entitled to have his or her name printed on
the voting machines, a written notice stating the times when and the place or places where
preparation of the machines for use in the several precincts in the county will be started.
The grand jury shall appoint a committee, consisting of three of its members, which shall
inspect the machines and see that the machines are properly prepared and are placed in
proper condition and order for use. In the event the committee of the grand jury fails to be
present, the superintendent shall immediately appoint a panel consisting of three electors
to perform the duties of the committee of the grand jury set forth in this Code section.
Further, one representative of each political party or body, certified by the chairperson of
such political party or body, and one representative of each aforementioned organization
of citizens, certified by the chairperson or presiding officer of such organization, and any
such independent candidate or his or her certified agent shall be entitled to be present
during the preparation of the machines and to see that the machines are properly prepared
and are placed in proper condition and order for use. Such committee of the grand jury,
representatives, or candidates shall not, however, interfere with the preparation of the
machines; and the superintendent may make such reasonable rules and regulations
concerning the conduct of such representatives and candidates.
(d) The custodian and deputy custodians of voting machines and the members of the
committee of the grand jury, if any, shall make an affidavit, which each shall sign, and
request each representative of a party, body, or a citizens' organization, or candidate or his
or her agent present at the preparation of the machine to attest, and which shall be filed
with the superintendent, or in the case of a municipal election or primary, the city clerk,
stating:
(1) The identifying number or other designation of the voting machine;
(2) That each registering counter on the machine was set at zero;
(3) The number registered on the protective counter or other device of the machine; and
(4) The number on the seal with which the machine is sealed.
(e) No superintendent nor custodian nor other employee of the superintendent shall, in any
way, prevent free access to and examination of all voting machines which are to be used
at the primary or election by any of the duly appointed representatives or candidates
aforesaid; and the superintendent and his or her employees shall afford to each such
representative or candidate every facility for the examination of all registering counters,
protective counters, and public counters of each and every voting machine.
(f) In every primary or election, the superintendent shall furnish, at the expense of the
county or municipality, all ballot labels, forms of certificates, and other papers and supplies
which are required under this chapter and which are not furnished by the Secretary of State,
all of which shall be in the form and according to the specifications prescribed from time
to time by the Secretary of State. In the case of a municipal primary, ballot labels and other
materials necessary for the preparation of the voting machines shall be furnished free of
charge to the municipal superintendent by the political party conducting such primary."

SECTION 43.
Said chapter is further amended by striking subsection (a) of Code Section 21-2-330, relating
to public exhibition of and instruction on sample voting machine, and inserting in lieu thereof
a new subsection (a) to read as follows:
"(a) During the 30 days next preceding a general primary or election or during the ten days
next preceding a special primary or election, other than in the case of municipal primaries
and elections, and during the five days preceding a municipal general primary or election
or during the three days preceding a municipal special primary or election, the
superintendent shall place on public exhibition, in such public places and at such times as
he or she may deem most suitable for the information and instruction of the electors, one
or more voting machines containing the ballot labels and showing the offices and questions
to be voted upon, the names and arrangements of parties and bodies, and, so far as
practicable, the names and arrangements of the candidates to be voted for. Such machine
or machines shall be under the charge and care of a person competent as custodian and
instructor. No voting machine which is to be assigned for use in a primary or election shall
be used for such public exhibition and instruction after having been prepared and sealed
for the primary or election."
SECTION 44.

Said chapter is further amended by striking subsection (a) of Code Section 21-2-331, relating to designation and compensation of custodians of voting machines and keys, and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) The superintendent, or in the case of municipal primaries or elections, the governing authority, shall designate a person or persons who shall have the custody of the voting machines of the county or municipality and the keys therefor when the machines are not in use at a primary or election and shall provide for his or her compensation and for the safe storage and care of the machines and keys."

SECTION 45.

Said chapter is further amended by striking Code Section 21-2-333, relating to responsibility of county or municipal governing authority to provide for payment for voting machines, and inserting in lieu thereof a new Code Section 21-2-333 to read as follows:

"21-2-333. The governing authority of any county or municipality which adopts voting machines in a manner provided for by this article shall, upon the purchase of voting machines, provide for their payment by the county or municipality. Bonds or other evidence of indebtedness may be issued in accordance with the provisions of law relating to the increase of indebtedness of counties or municipalities to meet all or any part of the cost of the voting machines."

SECTION 46.

Said chapter is further amended by striking subsections (b) and (d) of Code Section 21-2-367, relating to installation of optical scanning voting systems, and inserting in lieu thereof new subsections (b) and (d) to read as follows:

"(b) In each precinct in which optical scanning voting systems are used, the county or municipal governing authority, as appropriate, shall provide at least one voting booth or enclosure for each 200 electors therein, or fraction thereof."

"(d) The county or municipal governing authority, as appropriate, shall provide optical scanning voting systems in good working order and of sufficient capacity to accommodate the names of a reasonable number of candidates for all party offices and nominations and public offices which, under the provisions of existing laws and party rules, are likely to be voted for at any future primary or election."
SECTION 47.

Said chapter is further amended by striking subsection (b) of Code Section 21-2-369, relating to printing of optical scanning ballots, and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) The arrangement of offices, names of candidates, and questions upon the ballots shall conform as nearly as practicable to this chapter for the arrangement of same on paper ballots; provided, however, that such form may be varied in order to present a clear presentation of candidates and questions to the electors and that the ballots shall not be required to have a name stub."

SECTION 48.

Said chapter is further amended by striking subsection (b) of Code Section 21-2-374, relating to proper programming of optical scanning systems, and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) On or before the third day preceding a primary or election, including special primaries, special elections, and referendum elections, the superintendent shall have the optical scanning tabulators tested to ascertain that they will correctly count the votes cast for all offices and on all questions. Public notice of the time and place of the test shall be made at least five days prior thereto; provided, however, that, in the case of a runoff, the public notice shall be made at least three days prior thereto. Representatives of political parties and bodies, candidates, news media, and the public shall be permitted to observe such tests. The test shall be conducted by processing a preaudited group of ballots so marked as to record a predetermined number of valid votes for each candidate and on each question and shall include for each office one or more ballots which are improperly marked and one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the optical scanning tabulator to reject such votes. The optical scanning tabulator shall not be approved unless it produces an errorless count. If any error is detected, the cause therefor shall be ascertained and corrected; and an errorless count shall be made before the tabulator is approved. The superintendent shall cause the pretested tabulators to be placed at the various polling places to be used in the primary or election. The superintendent shall require that each optical scanning tabulator be thoroughly tested and inspected prior to each primary and election in which it is used and shall keep such tested material as certification of an errorless count on each tabulator. In counties using central count optical scanning tabulators, the same test shall be repeated immediately before the start of the official count of the ballots and at the conclusion of such count. Precinct tabulators shall produce a zero tape prior to any ballots being inserted on the day of any primary or election."

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SECTION 49.

Said chapter is further amended by striking subsections (b) and (c) of Code Section 21-2-379.6, relating to maintenance of DRE voting systems and supplies, and inserting in lieu thereof new subsections (b) and (c) to read as follows:

"(b) The superintendent may appoint, with the approval of the county or municipal governing authority, as appropriate, a custodian of the DRE units, and deputy custodians as may be necessary, whose duty shall be to prepare the units to be used in the county or municipality at the primaries and elections to be held therein. Each custodian and deputy custodian shall receive from the county or municipality such compensation as shall be fixed by the governing authority of the county or municipality. Such custodian shall, under the direction of the superintendent, have charge of and represent the superintendent during the preparation of the units as required by this chapter. The custodian and deputy custodians shall serve at the pleasure of the superintendent. Each custodian shall take an oath of office prepared by the Secretary of State before each primary or election which shall be filed with the superintendent.

(c) On or before the third day preceding a primary or election, including special primaries, special elections, and referendum elections, the superintendent shall have each DRE unit tested to ascertain that it will correctly count the votes cast for all offices and on all questions in a manner that the State Election Board shall prescribe by rule or regulation. On or before the third day preceding a primary runoff or election runoff, including special primary runoffs and special election runoffs, the superintendent shall test a number of DRE units at random to ascertain that the units will correctly count the votes cast for all offices. If the total number of DRE units in the county or municipality is 30 units or less, all of the units shall be tested. If the total number of DRE units in the county or municipality is more than 30 but not more than 100, then at least one-half of the units shall be tested at random. If there are more than 100 DRE units in the county or municipality, the superintendent shall test at least 15 percent of the units at random. In no event shall the superintendent test less than one DRE unit per precinct. All memory cards to be used in the runoff shall be tested. Public notice of the time and place of the test shall be made at least five days prior thereto; provided, however, that, in the case of a runoff, the public notice shall be made at least three days prior thereto. Representatives of political parties and bodies, news media, and the public shall be permitted to observe such tests."

SECTION 50.

Said chapter is further amended by striking subsection (b) of Code Section 21-2-380, relating to definition of absentee elector, and inserting in lieu thereof a new subsection (b) to read as follows:

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"(b) An elector who requests an absentee ballot by mail or who, during the period of
Monday through Friday of the week immediately preceding the date of a primary, election,
or run-off primary or election, casts an absentee ballot in person at the registrar’s office or
absentee ballot clerk’s office during the period of Monday through Friday of the week
immediately preceding the date of a primary, election, or run-off primary or election shall
not be required to provide a reason as identified in subsection (a) of this Code section in
order to cast an absentee ballot in such primary, election, or run-off primary or election."

SECTION 51.

Said chapter is further amended by striking Code Section 21-2-381, relating to making of
application for absentee ballot, and inserting in lieu thereof a new Code Section 21-2-381 to
read as follows:

"21-2-381.

(a)(1)(A) Except as otherwise provided in Code Section 21-2-219, not more than 180
days prior to the date of the primary or election, or runoff of either, in which the elector
desires to vote, any absentee elector may make, either by mail, by facsimile
transmission, or in person in the registrar’s or absentee ballot clerk’s office, an
application for an official ballot of the elector’s precinct to be voted at such primary,
election, or runoff.

(B) In the case of an elector residing temporarily out of the county or municipality or
a physically disabled elector residing within the county or municipality, the application
for the elector’s absentee ballot may, upon satisfactory proof of relationship, be made
by such elector’s mother, father, grandparent, aunt, uncle, sister, brother, spouse, son,
daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law,
father-in-law, brother-in-law, or sister-in-law of the age of 18 or over.

(C) The application shall be in writing and shall contain sufficient information for
proper identification of the elector; the permanent or temporary address of the elector
to which the absentee ballot shall be mailed; the identity of the primary, election, or
runoff in which the elector wishes to vote; the reason for requesting the absentee ballot,
if applicable; and the name and relationship of the person requesting the ballot if other
than the elector.

(D) Except in the case of physically disabled electors residing in the county or
municipality, no absentee ballot shall be mailed to an address other than the permanent
mailing address of the elector as recorded on the elector’s voter registration record or
a temporary out-of-county or out-of-municipality address.

(E) Relatives applying for absentee ballots for electors must also sign an oath stating
that facts in the application are true.
(F) If the elector is unable to fill out or sign such elector’s own application because of illiteracy or physical disability, the elector shall make such elector’s mark, and the person filling in the rest of the application shall sign such person’s name below it as a witness.

(G) One timely and proper application for an absentee ballot for use in a primary or election shall be sufficient to require the mailing of the absentee ballot for such primary or election as well as for any runoffs resulting therefrom and for all primaries and elections for federal offices and any runoffs therefrom, including presidential preference primaries, held during the period beginning upon the receipt of such absentee ballot application and extending through the second regularly scheduled general election in which federal candidates are on the ballot occurring thereafter to an eligible absentee elector who lives outside the county or municipality in which the election is held and is also a member of the armed forces of the United States, a member of the merchant marine of the United States, or a spouse or dependent of a member of the armed forces or the merchant marine residing with or accompanying said member or overseas citizen.

(H) Any elector meeting criteria of advanced age or disability specified by rule or regulation of the Secretary of State Election Board may request in writing on one application a ballot 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 paragraph, 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.

(2) A properly executed registration card submitted under the provisions of subsection (b) of Code Section 21-2-219, if submitted within 180 days of a primary or election in which the registrant is entitled to vote, shall be considered to be an application for an absentee ballot under this Code section, or for a special absentee ballot under Code Section 21-2-381.1, as appropriate.

(3) All applications for an official absentee ballot that are distributed by a person, entity, or organization shall list thereon all of the legally acceptable categories of absentee electors contained in Code Section 21-2-380 and shall require the elector to select the category which qualifies the elector to vote by absentee ballot, if applicable. No application for an official absentee ballot that is physically attached to a publication that advocates for or against a particular candidate, issue, political party, or political body
shall be distributed by any person, entity, or organization. Such applications, if properly
completed by the elector or other authorized person and returned to the registrar or
absentee ballot clerk, as appropriate, shall be processed by the registrar or absentee ballot
clerk and, if the elector is found to be qualified, an absentee ballot shall be mailed or
delivered in the office of the registrar or absentee ballot clerk to such elector.

(b)(1) Upon receipt of a timely application, a registrar or absentee ballot clerk shall enter
thereon the date received and shall determine if the applicant is eligible to vote in the
primary or election involved. In order to be found eligible to vote an absentee ballot in
person at the registrar’s office or absentee ballot clerk’s office, such person shall show
one of the forms of identification listed in Code Section 21-2-417.

(2) If found eligible, the registrar or absentee ballot clerk shall certify by signing in the
proper place on the application and shall either mail the ballot as provided in this Code
section or issue the ballot to the elector to be voted within the confines of the registrar’s
or absentee ballot clerk’s office or deliver the ballot in person to the elector if such elector
is confined to a hospital.

(3) If found ineligible, the clerk or the board of registrars shall deny the application by
writing the reason for rejection in the proper space on the application and shall promptly
notify the applicant in writing of the ground of ineligibility, a copy of which notification
should be retained on file in the office of the board of registrars or absentee ballot clerk
for at least one year.

(4) If the registrar or clerk is unable to determine the identity of the elector from
information given on the application, the registrar or clerk should promptly write to
request additional information.

(5) In the case of an unregistered applicant who is eligible to register to vote, the clerk
or the board shall immediately mail a blank registration card as provided by Code Section
21-2-223, and such applicant, if otherwise qualified, shall be deemed eligible to vote by
absentee ballot in such primary or election, if the registration card, properly completed,
is returned to the clerk or the board on or before the last day for registering to vote in
such primary or election. If the closing date for registration in the primary or election
concerned has not passed, the clerk or registrar shall also mail a ballot to the applicant,
as soon as it is prepared and available; and the ballot shall be cast in such primary or
election if returned to the clerk or board not later than the close of the polls on the day of
the primary or election concerned.

(c) In those counties or municipalities in which the absentee ballot clerk or board of
registrars provides application forms for absentee ballots, the clerk or board shall provide
such quantity of the application form to the dean of each college or university located in
that county as said dean determines necessary for the students of such college or university.
(d)(1) A citizen of the United States permanently residing outside the United States is entitled to make application for an absentee ballot from Georgia and to vote by absentee ballot in any election for presidential electors and United States senator or representative in Congress:

(A) If such citizen was last domiciled in Georgia immediately before his or her departure from the United States; and

(B) If such citizen could have met all qualifications, except any qualification relating to minimum voting age, to vote in federal elections even though, while residing outside the United States, he or she does not have a place of abode or other address in Georgia.

(2) An individual is entitled to make application for an absentee ballot under paragraph (1) of this subsection even if such individual’s intent to return to Georgia may be uncertain, as long as:

(A) He or she has complied with all applicable Georgia qualifications and requirements which are consistent with 42 U.S.C. Section 1973ff concerning absentee registration for and voting by absentee ballots;

(B) He or she does not maintain a domicile, is not registered to vote, and is not voting in any other state or election district of a state or territory or in any territory or possession of the United States; and

(C) He or she has a valid passport or card of identity and registration issued under the authority of the Secretary of State of the United States or, in lieu thereof, an alternative form of identification consistent with 42 U.S.C. Section 1973ff and applicable state requirements, if a citizen does not possess a valid passport or card of identity and registration.

(e) The Secretary of State State Election Board is authorized to promulgate reasonable rules and regulations for the implementation of paragraph (1) of subsection (a) of this Code section. Said rules and regulations may include provisions for the limitation of opportunities for fraudulent application, including, but not limited to, comparison of voter registration records with death certificates.

SECTION 52.

Said chapter is further amended by adding a new Code Section 21-2-381.2 to read as follows:

"21-2-381.2.

(a) The Secretary of State shall design a state write-in absentee ballot for federal offices and state offices that are voted upon on a state-wide basis for use in a primary runoff or election runoff by an eligible absentee elector who lives outside the county or municipality in which the election is held and who is:
(1) A member of the armed forces of the United States, a member of the merchant marine of the United States, a member of the commissioned corps of the Public Health Service or the National Oceanic and Atmospheric Administration, or a spouse or dependent of such member residing with or accompanying said member; or

(2) A citizen of the United States residing outside the United States.

(b) Such state write-in absentee ballot shall be automatically included with any absentee ballot sent to such eligible absentee electors for any general primary or general election. No special request for such state write-in absentee ballot shall be required.

(c) The state write-in absentee ballot shall contain instructions for completing and returning such ballot.

(d) The Secretary of State shall establish a website which such eligible absentee electors may access to determine if there is a primary runoff or election runoff for a federal office or a state office that is voted upon on a state-wide basis. The address of such website shall be included in the instructions for voting such state write-in absentee ballot.

(e) The State Election Board may provide by rule or regulation for additional means of transmitting the state write-in absentee ballot to eligible absentee electors including, but not limited to, the use of facsimile transmissions and portable document format electronic versions.

(f) The registrars shall send a regular absentee ballot to such eligible absentee electors in accordance with Code Section 21-2-381. In the event that both the regular absentee ballot and the state write-in absentee ballot are received by the registrars within the time period for receiving absentee ballots, the regular absentee ballot shall be counted and the state write-in absentee ballot shall be kept unopened in the same manner as absentee ballots that are returned too late to be counted. Ballots for primary runoffs and election runoffs that are postmarked by the date of the primary runoff or election runoff, if proper in all other respects, shall be counted if received by the registrars within the three day period following such primary runoff or election runoff."

SECTION 53.

Said chapter is further amended by striking subsections (a), (c), and (d) of Code Section 21-2-384, relating to preparation and delivery of absentee ballot supplies, and inserting in lieu thereof new subsections (a), (c), and (d) to read as follows:

"(a)(1) The superintendent shall, as soon as practicable prior to each primary or election, but must, at least 45 days prior to any general primary or general election other than a municipal general primary or general election, and at least 21 days prior to any municipal general primary or general election, prepare, obtain, and deliver an adequate supply of official absentee ballots to the board of registrars or absentee ballot clerk for use in the
primary or election. Envelopes and other supplies as required by this article may be
ordered by the superintendent, the board of registrars, or the absentee ballot clerk for use
in the primary or election.

(2) The board of registrars or absentee ballot clerk shall, within two days after the receipt
of such ballots and supplies, mail or issue official absentee ballots to all eligible
applicants; and, as additional applicants are determined to be eligible, the board or
clerk shall mail or issue official absentee ballots to such additional applicants
immediately upon determining their eligibility; provided, however, that no absentee ballot
shall be mailed by the registrars or absentee ballot clerk on the day prior to a primary or
election and provided, further, that no absentee ballot shall be issued on the day prior to
a primary or election.

(3) The date a ballot is voted in the registrars' or absentee ballot clerk's office or the date
a ballot is mailed to an elector and the date it is returned shall be entered on the
application record therefor.

(4) The delivery of an absentee ballot to a person confined in a hospital may be made by
the registrar or clerk on the day of a primary or election or during a five-day period
immediately preceding the day of such primary or election.

(5) In the event an absentee ballot which has been mailed by the board of registrars or
absentee ballot clerk is not received by the applicant, the applicant may notify the board
of registrars or absentee ballot clerk and sign an affidavit stating that the absentee ballot
has not been received. The board of registrars or absentee ballot clerk shall then issue a
second absentee ballot to the applicant and cancel the original ballot issued. The affidavit
shall be attached to the original application. A second application for an absentee ballot
shall not be required.'

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

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 is __________ County, Georgia; that
I possess the qualifications of an elector required by the laws of the State of Georgia;
that I am entitled to vote in the precinct containing my residence in the primary or
election in which this ballot is to be cast; that I am eligible to vote by absentee ballot;
that I have not marked or mailed any other absentee ballot, nor will I mark or mail
another absentee ballot for voting in such primary or election; nor shall I vote therein
in person; and that I have read and understand the instructions accompanying this
ballot; and that I have carefully complied with such instructions in completing this
ballot. I understand that the offer or acceptance of money or any other object of value
<table>
<thead>
<tr>
<th>Elector’s Residence</th>
<th>Elector’s Place of Birth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Month and Day of Elector’s Birth</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Signature or Mark of Elector</th>
</tr>
</thead>
</table>

Oath of Person Assisting Elector (if any):

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

This, the _____ day of __________. 

<table>
<thead>
<tr>
<th>Signature of Person Assisting Elector -- Relationship</th>
</tr>
</thead>
</table>

Reason for assistance (Check appropriate square):

( ) Elector is unable to read the English language.

( ) Elector has following physical disability ____________________.

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

Georgia law provides, in subsection (b) of Code Section 21-2-409, that no person shall assist more than ten electors in any primary or election.

Georgia law further provides that any person who knowingly falsifies information so as to vote illegally by absentee ballot or who illegally gives or receives assistance in voting, as specified in Code Section 21-2-568, 21-2-573, or 21-2-579, shall be guilty of a misdemeanor.

(2) In the case of absent uniformed services or overseas voters, if the Presidential designee under Section 705(b) of the federal Help America Vote Act...
promulgates a standard oath for use by such voters, the Secretary of State shall be
required to use such oath on absentee ballot materials for such voters and such oath shall
be accepted in lieu of the oath set forth in paragraph (1) of this subsection.
(d) Each board of registrars or absentee ballot clerk shall maintain for public inspection
a master list, arranged by precincts, setting forth the name and residence of every elector
to whom an official absentee ballot has been sent. Absentee electors whose names appear
on the master list may be challenged by any elector prior to 12:00 Noon 5:00 P.M. on the
day of before the primary or election."

SECTION 54.
Said chapter is further amended by striking paragraph (1) of subsection (a) and subsection
(e) of Code Section 21-2-386, relating to safekeeping, certification, and validation of
absentee ballots, and inserting in lieu thereof a new paragraph (1) and subsection (e) to read
as follows:

"(a)(1)(A) The board of registrars or absentee ballot clerk shall keep safely and
unopened all official absentee ballots received from absentee electors prior to the
closing of the polls on the day of the primary or election except as otherwise provided
in this subsection.

(B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the
receipt of the ballot on its envelope. The registrar or clerk shall then compare the
identifying information on the oath with the information on file in his or her office,
shall compare the signature or mark on the oath with the signature or mark on the
absentee elector’s application for absentee ballot or a facsimile of said signature or
mark taken from said application, and shall, if the information and signature appear to
be valid, so certify by signing or initialing his or her name below the voter’s oath. Each
elector’s name so certified shall be listed by the registrar or clerk on the numbered list
of absentee voters prepared for his or her precinct.

(C) If the elector has failed to sign the oath, or if the signature does not appear to be
valid, or if the elector has failed to furnish required information or information so
furnished does not conform with that on file in the registrar’s or clerk’s office, or if the
elector is otherwise found disqualified to vote, the registrar or clerk shall write across
the face of the envelope ‘Rejected,’ giving the reason therefor. The board of registrars
or absentee ballot clerk shall promptly notify the elector of such rejection, a copy of
which notification shall be retained in the files of the board of registrars or absentee
ballot clerk for at least one year.

(D) An elector who registered to vote by mail, but did not comply with subsection (c)
of Code Section 21-2-220, and who votes for the first time in this state by absentee

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ballot shall include with his or her application for an absentee ballot or in the outer oath
envelope of his or her absentee ballot either one of the forms of identification listed in
subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank
statement, government check, paycheck, or other government document that shows the
name and address of such elector. If such elector does not provide any of the forms of
identification listed in this subparagraph with his or her application for an absentee
ballot or with the absentee ballot, such absentee ballot shall be deemed to be a
provisional ballot and such ballot shall only be counted if the registrars are able to
verify current and valid identification of the elector as provided in this subparagraph
within the time period for verifying provisional ballots pursuant to Code Section
21-2-419.

(E) Three copies of the numbered list of voters shall also be prepared for such rejected
absentee electors, giving the name of the elector and the reason for the rejection in each
case. Three copies of the numbered list of certified absentee voters and three copies of
the numbered list of rejected absentee voters for each precinct shall be turned over to
the poll manager in charge of counting the absentee ballots and shall be distributed as
required by law for numbered lists of voters.

(F) All absentee ballots returned to the board or absentee ballot clerk after the closing
of the polls on the day of the primary or election shall be safely kept unopened by the
board or absentee ballot clerk and then transferred to the appropriate clerk for storage
for the period of time required for the preservation of ballots used at the primary or
election and shall then, without being opened, be destroyed in like manner as the used
ballots of the primary or election. The board of registrars or absentee ballot clerk shall
promptly notify the elector by first-class mail that the elector’s ballot was returned too
late to be counted and that the elector will not receive credit for voting in the primary
or election. All such late absentee ballots shall be delivered to the appropriate clerk and
stored as provided in Code Section 21-2-390.

(G) Notwithstanding any provision of this chapter to the contrary, until the United
States Department of Defense notifies the Secretary of State that the Department of
Defense has implemented a system of expedited absentee voting for those electors
covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by
eligible absentee electors who reside outside the county or municipality in which the
primary runoff or election runoff is held and are members of the armed forces of the
United States, members of the merchant marine of the United States, spouses or
dependents of members of the armed forces or merchant marine residing with or
accompanying such members, or overseas citizens that are postmarked by the date of
such primary, election, or runoff and are received within the three day period following
such primary, election, or runoff, if proper in all other respects, shall be valid ballots
and shall be counted and included in the certified election results."

"(e) If an absentee elector’s right to vote has been challenged for cause, a poll officer shall
open the envelopes and write 'Challenged,' the elector’s name, and the alleged cause of
challenge on the back of the ballot, without disclosing the markings on the face thereof, and
shall deposit the ballot in the box; and it shall be counted as other challenged ballots are
counted. In the case of absentee votes cast on direct recording electronic voting systems;
the ballots shall be coded in such a way that the ballot of a challenged voter can be
separated from other valid ballots at the time of tabulation and the challenged ballots shall
be counted or rejected in accordance with Code Section 21-2-230. Where direct recording
electronic voting systems are used for absentee balloting and a challenge to an elector’s
right to vote is made prior to the time that the elector votes, the elector shall vote on a paper
or optical scanning ballot, and such ballot shall be handled as provided in this subsection.
The board of registrars or absentee ballot clerk shall promptly notify the elector of such
challenge."

SECTION 55.

Said chapter is further amended by striking Code Section 21-2-387, relating to procedure as
to ballots of deceased electors, and inserting in lieu thereof a new Code Section 21-2-387 to
read as follows:

"21-2-387.
Whenever it shall be made to appear by due proof to the managers that an absentee elector
who has marked and forwarded or delivered his or her ballot as provided in this article has
died prior to the opening of the polls on the day of the primary or election, the ballot of
such deceased elector shall be returned by the managers in the same manner as provided
for rejected ballots Reserved."

SECTION 56.

Said chapter is further amended by striking subsection (a) of Code Section 21-2-400, relating
to duty of superintendent to obtain cards of instruction, blank forms of oaths, and other forms
and supplies, and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) Prior to each primary and election, the superintendent shall obtain from the Secretary
of State a sufficient number of cards of instruction for guidance of electors. Such cards of
instruction shall include such portions of this chapter as deemed necessary by the Secretary
of State and shall be printed for the type of voting equipment or ballots used in the county
or municipality. The superintendent shall also obtain from the Secretary of State a
sufficient number of blank forms of oaths of poll officers, voter’s certificates, voting rights

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posters, notices of penalties, oaths of assisted electors, numbered list of voters, tally sheets, 
return sheets, and such other forms and supplies required by this chapter, in each precinct 
of the county or municipality."

SECTION 57.

Said chapter is further amended by striking subsections (a) and (b) of Code Section 21-2-408, 
relating to poll watchers, and inserting in lieu thereof new subsections (a) and (b) to read as 
follows:

"(a) In a primary or run-off primary, each candidate entitled to have his or her name 
placed on the primary or run-off primary ballot may submit the name of one poll watcher 
for each precinct in which he or she wishes to have an observer to the chairperson or 
secretary of the appropriate party executive committee at least 21 days prior to such 
primary or 14 days prior to such run-off primary. The appropriate party executive 
committee shall designate at least seven days prior to such primary or run-off primary no 
more than two poll watchers for each precinct, such poll watchers to be selected by the 
committee from the list submitted by party candidates. Official poll watchers shall be 
given a letter signed by the party chairperson and secretary, if designated by a political 
party, containing the following information: name of official poll watcher, address, 
precinct in which he or she shall serve, and name and date of primary or run-off primary. 
At least three days prior to the primary, a copy of the letter shall be delivered to the 
superintendent of the county or municipality in which the poll watcher is to serve.

(2) In a primary or run-off primary, each candidate entitled to have his or her name 
placed on the primary or run-off primary ballot may submit the name of one poll watcher 
for each location at which advance voting is conducted pursuant to subsection (b) of Code 
Section 21-2-380 in which he or she wishes to have an observer to the chairperson or 
secretary of the appropriate party executive committee at least 21 days prior to the 
beginning of the advance voting period for a primary or 14 days prior to such period in 
a run-off primary. The appropriate party executive committee shall designate at least 
seven days prior to such advance voting period for a primary or run-off primary no more 
than two poll watchers for each advance voting location, such poll watchers to be selected 
by the committee from the list submitted by party candidates. Official poll watchers shall 
be given a letter signed by the party chairperson and secretary, if designated by a political 
party, containing the following information: name of official poll watcher, address, 
precinct in which he or she shall serve, and name and date of primary or run-off primary. 
At least three days prior to the beginning of the advance voting period, a copy of the letter 
shall be delivered to the superintendent and the chief registrar of the county or 
municipality in which the poll watcher is to serve.
(b)(1) In an election or run-off election, each political party and political body shall each be entitled to designate, at least seven days prior to such election or run-off election, no more than two official poll watchers in each precinct to be selected by the appropriate party or body executive committee. Each independent candidate shall be entitled to designate one poll watcher in each precinct. In addition, candidates running in a nonpartisan election shall be entitled to designate one poll watcher in each precinct. Each poll watcher shall be given a letter signed by the appropriate political party or body chairperson and secretary, if a party or body designates same, or by the independent or nonpartisan candidate, if named by the independent or nonpartisan candidate. Such letter shall contain the following information: name of official poll watcher, address, precinct in which he or she shall serve, and date of election or run-off election. At least three days prior to the election, a copy of the letter shall be delivered to the superintendent of the county or municipality in which the poll watcher is to serve.

(2) In an election or run-off election, each political party and political body, which body is registered pursuant to Code Section 21-2-110 and has nominated a candidate for state-wide office, shall additionally be entitled to designate, at least 14 days prior to such election or run-off election, no more than five 25 official state-wide poll watchers to be selected by the appropriate party or body executive committee. Each independent candidate shall also be entitled to designate five no more than 25 official state-wide poll watchers. In addition, candidates running in a state-wide nonpartisan election shall be entitled to designate five no more than 25 official state-wide poll watchers. All such designations of state-wide poll watchers shall be in writing and made and submitted to the State Election Board. A state-wide poll watcher shall have the same powers and duties as poll watchers and shall be entitled to watch the polls in any precinct in the state but shall otherwise be subject to all limitations and prohibitions placed on poll watchers; provided, however, that no more than two state-wide poll watchers of a political party or body, of an independent candidate, or of a nonpartisan candidate shall be in the same polling place simultaneously. Each state-wide poll watcher shall be given a letter signed by the chairperson of the State Election Board. Such letter shall contain the following information: name of official state-wide poll watcher, address, a statement that such poll watcher is a state-wide poll watcher, and date of election or run-off election. At least three days prior to the election, a copy of the letter shall be delivered to the superintendent of each county in which the poll watcher might serve.

(3)(A) In an election or run-off election, each political party and political body shall each be entitled to designate, at least seven days prior to the beginning of the advance voting period for such election or run-off election, no more than two official poll watchers for each location at which advance voting is conducted pursuant to subsection
(b) of Code Section 21-2-380 to be selected by the appropriate party or body executive
committee. Each independent candidate shall be entitled to designate one poll watcher
for each location at which advance voting is conducted pursuant to subsection (b) of
Code Section 21-2-380. In addition, candidates running in a nonpartisan election shall
be entitled to designate one poll watcher for each location at which advance voting is
conducted pursuant to subsection (b) of Code Section 21-2-380. Each poll watcher
shall be given a letter signed by the appropriate political party or body chairperson and
secretary, if a party or body designates same, or by the independent or nonpartisan
candidate, if named by the independent or nonpartisan candidate. Such letter shall
contain the following information: name of official poll watcher, address, precinct in
which he or she shall serve, and date of election or run-off election. At least three days
prior to the beginning of the advance voting period for such election, a copy of the letter
shall be delivered to the superintendent and the chief registrar of the county or
municipality in which the poll watcher is to serve.

(B) In an election or run-off election, each political party and political body, which
body is registered pursuant to Code Section 21-2-110 and has nominated a candidate
for state-wide office, shall additionally be entitled to designate, at least 14 days prior
to the beginning of the advance voting period for such election or run-off election, no
more than 25 official state-wide poll watchers for such advance voting period to be
selected by the appropriate party or body executive committee. Each independent
candidate shall also be entitled to designate no more than 25 official state-wide poll
watchers for such advance voting period. In addition, candidates running in a
state-wide nonpartisan election shall be entitled to designate no more than 25 official
state-wide poll watchers for such advance voting period. All such designations of
state-wide poll watchers shall be in writing and made and submitted to the State
Election Board. A state-wide poll watcher shall have the same powers and duties as
poll watchers and shall be entitled to watch any advance voting location in the state but
shall otherwise be subject to all limitations and prohibitions placed on poll watchers;
provided, however, that no more than two state-wide poll watchers of a political party
or body, of an independent candidate, or of a nonpartisan candidate shall be in an
advance voting location simultaneously. Each state-wide poll watcher shall be given
a letter signed by the chairperson of the State Election Board. Such letter shall contain
the following information: name of official state-wide poll watcher, address, a
statement that such poll watcher is a state-wide poll watcher for advance voting, and
date of election or run-off election. At least three days prior to the beginning of the
advance voting period for such election, a copy of the letter shall be delivered to the
superintendent and chief registrar of each county in which the poll watcher might
serve."

SECTION 58.

Said chapter is further amended by striking subsections (c) and (d) of Code Section 21-2-414,
relating to restrictions on campaign activities and public opinion polling within the vicinity
of a polling place, and inserting in lieu thereof new subsections (c), (d), and (d.1) to read as
follows:

"(c) No person shall solicit votes in any manner or by any means or method, nor shall any
person distribute any campaign literature, newspaper, booklet, pamphlet, card, sign, or any
other written or printed matter of any kind, nor shall any person conduct any exit poll or
public opinion poll with voters within a room under the control or supervision of the
registrars or absentee ballot clerk in which absentee ballots are being cast on any day or
within 150 feet of any elector waiting to cast an absentee ballot pursuant to subsection (b)
of Code Section 21-2-380. No campaign literature, booklet, pamphlet, card, sign, or other
written or printed matter shall be displayed in any building containing a room under the
control or supervision of the registrars or absentee ballot clerk in which absentee ballots
are cast during the period when absentee ballots are available for voting. These restrictions
shall not apply to conduct occurring in private offices or areas which cannot be seen or
heard by such electors.

(d) No person shall solicit signatures for any petition within a room under the control or
supervision of the registrars or absentee ballot clerk in which absentee ballots are being
cast on any day.

(d.1) Rooms under the control or supervision of the registrars or absentee ballot clerk in
which absentee ballots are cast shall be considered polling places."

SECTION 59.

Said chapter is further amended by striking Code Section 21-2-417, relating to form of proper
identification at polls, and inserting in lieu thereof a new Code Section 21-2-417 to read as
follows:

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(a) Each elector shall present proper identification to a poll worker at or prior to completion of a voter's certificate at any polling place and prior to such person's admission to the enclosed space at such polling place. Proper identification shall consist of any one of the following:

1. A valid Georgia driver's license which was properly issued by the appropriate state agency;
2. A valid identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the elector;
3. A valid United States passport;
4. A valid employee identification card containing a photograph of the elector and issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state;
5. A valid employee identification card containing a photograph of the elector and issued by any employer of the elector in the ordinary course of such employer's business;
6. A valid student identification card containing a photograph of the elector from any public or private college, university, or postgraduate technical or professional school located within the State of Georgia;
7. A valid Georgia license to carry a pistol or revolver;
8. A valid pilot's license issued by the Federal Aviation Administration or other authorized agency of the United States;
9. A valid United States military identification card; provided that such identification card contains a photograph of the elector; or
10. A certified copy of the elector's birth certificate; a valid tribal identification card containing a photograph of the elector;
11. A valid social security card;
12. Certified naturalization documentation;
13. A certified copy of court records showing adoption, name, or sex change;
14. A current utility bill, or a legible copy thereof, showing the name and address of the elector;
15. A bank statement, or a legible copy thereof, showing the name and address of the elector;
16. A government check or paycheck, or a legible copy thereof, showing the name and address of the elector; or
17. A government document, or a legible copy thereof, showing the name and address of the elector.
(b) Except as provided in subsection (c) of this Code section, if an elector is unable to produce any of the items of identification listed in subsection (a) of this Code section, he or she shall sign a statement under oath in a form approved by the Secretary of State, separate and distinct from the elector’s voter certificate, swearing or affirming that he or she is the person identified on the elector’s voter certificate. Such person shall be allowed to vote without undue delay; provided, however, that an elector who registered for the first time in this state by mail and did not provide one of the forms of identification set forth in subsection (a) of this Code section at the time of registration who is voting for the first time may vote a provisional ballot pursuant to Code Section 21-2-418 upon swearing or affirming that the elector is the person identified in the elector’s voter certificate. Such provisional ballot shall only be counted if the registrars are able to verify current and valid identification of the elector as provided in subsection (a) of this Code section within the time period for verifying provisional ballots pursuant to Code Section 21-2-419. Falsely swearing or affirming such statement under oath shall be punishable as a felony, and the penalty shall be distinctly set forth on the face of the statement.

(c) An elector who registered to vote by mail, but did not comply with subsection (c) of Code Section 21-2-220, and who votes for the first time in this state shall present to the poll workers either one of the forms of identification listed in subsection (a) of this Code section or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of such elector. If such elector does not have any of the forms of identification listed in this subsection, such elector may vote a provisional ballot pursuant to Code Section 21-2-418 upon swearing or affirming that the elector is the person identified in the elector’s voter certificate. Such provisional ballot shall only be counted if the registrars are able to verify current and valid identification of the elector as provided in this subsection within the time period for verifying provisional ballots pursuant to Code Section 21-2-419. Falsely swearing or affirming such statement under oath shall be punishable as a felony, and the penalty shall be distinctly set forth on the face of the statement.”

SECTION 60.

Said chapter is further amended by striking Code Section 21-2-418, relating to provisional ballots, and inserting in lieu thereof a new Code Section 21-2-418 to read as follows:

“21-2-418.

(a) If a person presents himself or herself at a polling place, absentee polling place, or registration office for the purpose of casting a ballot in a primary or election believing that he or she has timely registered to vote in such primary or election and the person’s name does not appear on the list of registered electors and it cannot be immediately determined
that the person did timely register to vote in such primary or election, the person shall be
entitled to cast a provisional ballot as provided in this Code section.

(b) Such person voting a provisional ballot shall complete an official voter registration
form and a provisional ballot voting certificate which shall include information about the
place, manner, and approximate date on which the person registered to vote. The person
shall swear or affirm in writing that he or she previously registered to vote in such primary
or election, is eligible to vote in such primary or election, has not voted previously in such
primary or election, and meets the criteria for registering to vote in such primary or
election. The form of the provisional ballot voting certificate shall be prescribed by the
Secretary of State. The person shall also present the identification required by Code
Section 21-2-417.

(c) When the person has provided the information as required by this Code section, the
person shall be issued a provisional ballot and allowed to cast such ballot as any other duly
registered elector subject to the provisions of Code Section 21-2-419.

(d) Notwithstanding any provision of this chapter to the contrary, in primaries and
elections in which there is a federal candidate on the ballot, in the event that the time for
closing the polls at a polling place or places is extended by court order, all electors who
vote during such extended time period shall vote by provisional ballot only. Such ballots
shall be separated and held apart from other provisional ballots cast by electors during
normal poll hours. Primaries and elections in which there is no federal candidate on the
ballot shall not be subject to the provisions of this subsection.

(e) The registrars shall establish a free access system, such as a toll-free telephone number
or Internet website, by which any elector who casts a provisional ballot in a primary or
election, or runoff of either, in which federal candidates are on the ballot may ascertain
whether such ballot was counted and, if such ballot was not counted, the reason why such
ballot was not counted. The registrars shall establish and maintain reasonable procedures
necessary to protect the security, confidentiality, and integrity of personal information
collected, stored, or otherwise used by such free access system. Access to such information
about an individual provisional ballot shall be restricted to the elector who cast such ballot.

(f) At the time an elector casts a provisional ballot, the poll officers shall give the elector
written information that informs the elector of the existence of the free access system
required by subsection (e) of this Code section by which the elector will be able to
ascertain if his or her ballot was counted and, if such ballot was not counted, the reason
why such ballot was not counted.

(g) Failure to establish such free access system shall subject the registrars and the county
by which the registrars are employed to sanctions by the State Election Board.
(h) Notwithstanding any other provision of this chapter to the contrary, in the event that
the voting machines or DRE units at a polling place malfunction and cannot be used to cast
ballots or some other emergency situation exists which prevents the use of such equipment
to cast votes, provisional ballots may be used by the electors at the polling place to cast
their ballots. In such event, the ballots cast by electors whose names appear on the electors
list for such polling place shall not be considered provisional ballots and shall not require
verification as provided by Code Section 21-2-419; provided, however, that persons whose
names do not appear on the electors list for such polling place shall vote provisional ballots
which shall be subject to verification under Code Section 21-2-419.*

SECTION 61.
Said chapter is further amended by striking Code Section 21-2-430, relating to opening of
ballot boxes and posting of instruction cards and notices of penalties, and inserting in lieu
thereof a new Code Section 21-2-430 to read as follows:
"21-2-430.
In precincts in which ballots are used, the poll officers shall, after taking the oath, publicly
open the ballot boxes which have been furnished to them and shall, prior to opening of the
polls, totally destroy any ballots and other papers which they may find therein which are
not intended for use in such primary or election. When the polling place is opened, the
ballot box shall be securely locked and shall not be opened until the close of the polls, as
provided in Code Section 21-2-436. At the opening of the polls, the seals of the packages
furnished by the superintendent shall be publicly broken and such packages shall be opened
by the chief manager. The cards of instruction shall be immediately posted in each voting
compartment. Not less than three such cards and notices of penalties One card of
instruction, one notice of penalties, and one voting rights poster shall be immediately
posted in or about the voting room outside the enclosed space; and such cards, card of
instruction, and notices notice of penalties, and voting rights poster shall be given to any
elector at his or her request so long as there are any on hand.*

SECTION 62.
Said chapter is further amended by striking subsection (a) of Code Section 21-2-450, relating
to opening of the polls, and inserting in lieu thereof a new subsection (a) to read as follows:
"(a)(1) In the precincts in which voting machines are used, the seals of the package
furnished by the superintendent shall be publicly broken at the opening of the polls and
such package shall be opened by the chief manager. Not less than three cards of
instruction and notices of penalties; One card of instructions, one notice of penalties, one
voting rights poster, and not less than two diagrams of the face of the machine shall be
immediately posted in or about the voting room outside the enclosed space; and such
cards, and notices of penalties, and voting rights posters shall be given to any elector at
his or her request, so long as there are any on hand.

(2) The managers, before opening the envelope containing the keys which unlock the
operating mechanism and registering counters or counter compartment of the voting
machine, shall examine the number of the seal on the machine and the number registered
on the protective counter or device and shall see whether they are the same as the
numbers written on the envelope containing the keys. If either number shall be found not
to agree, the envelope shall remain unopened until the poll officers shall have notified the
proper custodian of voting machines; or the superintendent and until the custodian or
some other person authorized by the superintendent shall have presented himself or
herself at the polling place for the purpose of reexamining the machine and shall have
certified that it is properly arranged. But, if the numbers on the seal and the protective
counter or device shall both be found to agree with the numbers on the envelope, the
envelope shall be opened, and where the voting machine provided is not equipped with
a mechanism for printing paper proof sheets, the poll officers shall examine the
registering counters and, for that purpose, shall open the doors concealing such counter,
if the construction of the voting machine shall so require; and, before the polls are
opened, each manager shall carefully examine every counter and shall see that it registers
zero. When the voting machine provided is equipped with a mechanism for printing
paper proof sheets and requires the simultaneous use of three keys to unlock the
registering counters or counter compartment, the chief manager shall deliver one of the
two keys to an assistant manager, to be retained by him or her, and shall then print at least
two proof sheets, one of which each manager shall carefully examine to ascertain whether
every counter registers zero and shall then preserve such proof sheets to be signed by
them and returned to the superintendent, with the duplicate return sheet, and shall sign
and post the other proof sheet upon the wall of the polling place, where it shall remain
until the polls are closed. The key delivered by the chief manager to such assistant
manager, as provided in this subsection, shall be retained by him or her until the polls
have been closed; and the voting and counting mechanism of the machine shall have been
locked and sealed against voting and shall then be returned to the chief manager, for
return by him or her to the superintendent, as provided in this part."

SECTION 63.

Said chapter is further amended by striking Code Section 21-2-501, relating to number of
votes required for election, and inserting in lieu thereof a new Code Section 21-2-501 to read
as follows:

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21-2-501.

(a) Except as otherwise provided in this Code section, no candidate shall be nominated for public office in any primary or special primary or elected to public office in any election or special election unless such candidate shall have received a majority of the votes cast to fill such nomination or public office. In instances where no candidate receives a majority of the votes cast, a run-off primary, special primary runoff, run-off election, or special election runoff between the candidates receiving the two highest numbers of votes shall be held. Unless such date is postponed by a court order, such run-off primary; or special primary runoff; or special election runoff shall be held on the twenty-first day after the day of holding the preceding primary or special primary or special election, provided that, unless postponed by court order, a runoff in the case of a special primary an election or special election shall be held no sooner than the fourteenth day and no later than the twenty-first on the twenty-eighth day after the day of holding the preceding special primary election or special election, which run-off day shall be determined by the Secretary of State in a runoff to fill a federal or state office or by the superintendent in a runoff to fill a county or militia district office. If any candidate eligible to be in a runoff withdraws, dies, or is found to be ineligible, the remaining candidates receiving the two highest numbers of votes shall be the candidates in the runoff. The candidate receiving the highest number of the votes cast in such run-off primary, special primary runoff, run-off election, or special election runoff to fill the nomination or public office sought shall be declared the winner. The name of a write-in candidate eligible for election in a runoff shall be printed on the election or special election run-off ballot in the independent column. The run-off primary, special primary runoff, run-off election, or special election runoff shall be a continuation of the primary, special primary, election, or special election for the particular office concerned. Only the electors who were duly registered to vote and not subsequently deemed disqualified to vote in the primary, special primary, election, or special election for candidates for that particular office shall be entitled to vote therein, and only those votes cast for the persons designated as candidates in such run-off primary, special primary runoff, run-off election, or special election runoff shall be counted in the tabulation and canvass of the votes cast. No elector shall vote in a run-off primary or special primary runoff in violation of Code Section 21-2-224.

(b) For the purposes of this subsection and notwithstanding the provisions of paragraph (22) of Code Section 21-2-2, the word 'plurality' shall mean the receiving by one candidate alone of the highest number of votes cast. If the municipal charter or ordinances of a municipality as now existing or as amended subsequent to September 1, 1968, provide that a candidate may be nominated or elected by a plurality of the votes cast to fill such nomination or public office, such provision shall prevail. Otherwise, no municipal
candidate shall be nominated for public office in any primary or elected to public office in
any election unless such candidate shall have received a majority of the votes cast to fill
such nomination or public office.

(c) In instances in which no municipal candidate receives a majority of the votes cast and
the municipal charter or ordinances do not provide for nomination or election by a plurality
vote, a run-off primary or election shall be held between the candidates receiving the two
highest numbers of votes. Such runoff shall be held on the twenty-first twenty-eighth day
after the day of holding the first primary or election, unless such run-off date is postponed
by court order. Only the electors entitled to vote in the first primary or election shall be
entitled to vote in any run-off primary or election resulting therefrom; provided, however,
that no elector shall vote in a run-off primary in violation of Code Section 21-2-216. The
run-off primary or election shall be a continuation of the first primary or election, and only
those votes cast for the candidates receiving the two highest numbers of votes in the first
primary or election shall be counted. No write-in votes may be cast in such a primary,
run-off primary, or run-off election. If any candidate eligible to be in a runoff withdraws,
dies, or is found to be ineligible, the remaining candidates receiving the two highest
numbers of votes shall be the candidates in such runoff. The municipal candidate receiving
the highest number of the votes cast in such run-off primary or run-off election to fill the
nomination or public office sought shall be declared the winner.

(d) The name of a municipal write-in candidate eligible for election in a municipal runoff
shall be printed on the municipal run-off election ballot in the independent column.

(e) In all cities having a population in excess of 100,000 according to the United States
decennial census of 1980 or any future such census, in order for a municipal candidate to
be nominated for public office in any primary or elected to public office in any municipal
election, he or she must receive a majority of the votes cast.

(f) Except for presidential electors, to be elected to public office in a general election, a
candidate must receive a plurality majority of the votes cast in an election to fill such public
office. To be elected to the office of presidential electors, no slate of candidates shall be
required to receive a plurality majority of the votes cast, but that slate of candidates shall
be elected to such office which receives the highest number of votes cast.

(g) In the event that no candidate receives a plurality of the votes cast in a general election;
a runoff of the general election between the candidates receiving the two highest numbers
of votes shall be held. If more than one candidate in a general election receives a plurality
of the votes cast, the candidate receiving the highest number of votes cast shall be declared
the winner. Unless such date is postponed by a court order, such runoff shall be held on
the twenty-first day after the day of holding the preceding general election. If any
candidate eligible to be in such runoff withdraws, dies, or is found to be ineligible, the
remaining candidates receiving the two highest numbers of votes shall be the candidates
in the runoff. The candidate receiving the highest number of the votes cast in such runoff
to fill the public office such candidate seeks shall be declared the winner. The name of a
write-in candidate eligible for election in a runoff shall be printed on the runoff election
ballot in the independent column. The runoff election of a general election shall be a
continuation of the general election for the particular office concerned. Only the electors
who were duly registered to vote and not subsequently deemed disqualified to vote for that
particular office in such general election shall be entitled to vote therein, and only those
votes cast for the persons designated as candidates in such runoff shall be counted in the
tabulation and canvass of the votes cast."

SECTION 64.

Said chapter is further amended by striking subsections (b) and (e) of Code Section 21-2-540,
relating to conduct of special elections generally, and inserting in lieu thereof new
 subsections (b) and (e) to read as follows:

"(b) At least 29 days shall intervene between the call of a special primary and the holding
of same, and at least 29 days shall intervene between the call of a special election and the
holding of same. The period during which candidates may qualify to run in a special
primary or a special election shall remain open for a minimum of two and one-half days.
Municipal special Special elections which are to be held in conjunction with a state-wide
general primary or state-wide general election shall be called at least 60 days prior to the
date of such state-wide general primary or state-wide general election; provided, however,
that this requirement shall not apply to special elections held on the same date as such
state-wide general primary or state-wide general election but conducted completely
separate and apart from such state-wide general primary or state-wide general election
using different ballots or voting equipment, facilities, poll workers, and paperwork."

"(e) Candidates in special elections for partisan offices shall not be listed on the ballot
according to party affiliation unless a candidate has been nominated in a special primary,
in which event such a candidate shall have his or her name placed in a column under the
name of his or her party. The incumbency of a candidate seeking election for the public
office he or she then holds shall be indicated on the ballot."
SECTION 65.

Said chapter is further amended by adding a new Code Section 21-2-603 to read as follows:

"21-2-603.
A person commits the offense of conspiracy to commit election fraud when he or she conspires or agrees with another to commit a violation of this chapter. The crime shall be complete when the conspiracy or agreement is effected and an overt act in furtherance thereof has been committed, regardless of whether the violation of this chapter is consummated. A person convicted of the offense of conspiracy to commit election fraud involving a violation of this chapter which is a felony shall be punished by imprisonment for not less than one year nor more than one-half the maximum period of time for which he or she could have been sentenced if he or she had been convicted of the crime conspired to have been committed, by one-half the maximum fine to which he or she could have been subjected if he or she had been convicted of such crime, or both. A person convicted of the offense of conspiracy to commit election fraud involving a violation of this chapter which is a misdemeanor shall be punished as for a misdemeanor."

SECTION 66.

Code Section 40-5-103 of the O.C.G.A., relating to fee for identification cards, is amended by adding a new subsection (d) to read as follows:

"(d) The department shall not be authorized to collect a fee for an identification card from any person:

(1) Who swears under oath that he or she is indigent and cannot pay the fee for an identification card, that he or she desires an identification card in order to vote in a primary or election in Georgia, and that he or she does not have any other form of identification that is acceptable under Code Section 21-2-417 for identification at the polls in order to vote; and

(2) Who produces evidence that he or she is registered to vote in Georgia.

This subsection shall not apply to a person who has been issued a driver’s license in this state."

SECTION 67.

In the event any Code section, subsection, paragraph, subparagraph, item, sentence, clause, phrase, or word of this Act is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this Act, which shall remain of full force and effect as if such portion so declared or adjudged invalid or unconstitutional were not originally a part of this Act. The General Assembly declares that...
1 it would have enacted the remaining parts of this Act if it had known that such portion
2 thereof would be declared or adjudged invalid or unconstitutional.

3 \textbf{SECTION 68.}

4 Except for Section 13, this Act shall become effective on July 1, 2005. Section 13 shall
5 become effective on January 1, 2006.

6 \textbf{SECTION 69.}

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