

Date Printed: 02/05/2009

---

JTS Box Number: IFES\_51  
Tab Number: 4  
Document Title: GEORGIA ELECTION CODE AND RULES OF THE  
STATE ELECTION BOARD  
Document Date: 1992  
Document Country: USA  
Document Language: ENG  
IFES ID: EL00641



\* 7 A 4 4 0 8 4 4 - 2 7 8 2 - 4 8 A 7 - 9 0 8 F - 1 B 4 8 6 D A A B 9 7 B \*

**GEORGIA ELECTION CODE  
AND  
RULES OF THE  
STATE ELECTION BOARD**

---

**1992 EDITION**



**Max Cleland  
Secretary of State  
State Capitol  
Atlanta, Georgia 30334**

Reprinted from the Official Code of Georgia Annotated  
and 1992 Cumulative Supplement

THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1992

# GEORGIA ELECTION CODE AND RULES OF THE STATE ELECTION BOARD

1992 EDITION



**Max Cleland**  
**Secretary of State**  
**State Capitol**  
**Atlanta, Georgia 30334**

Reprinted from the Official Code of Georgia Annotated  
and 1992 Cumulative Supplement

THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA

1992

Return to Resource Center  
International Foundation  
for Electoral Systems  
1620 I St. NW, Suite 611  
Washington, D.C. 20006

COPYRIGHT © 1988, 1989, 1990, 1991, 1992

BY

STATE OF GEORGIA

---

All rights reserved.

Return to Resource Center  
International Foundation  
for Electrical Systems  
1620 I St. NW, Suite 411  
Washington, D.C. 20003

## Table of Contents

	PAGE
Title 21. Elections.	
Chap. 1. General Provisions, 21-1-1, 21-1-2 .....	1
Chap. 2. Elections and Primaries Generally.	
Art. 1. General Provisions, 21-2-1 to 21-2-17 .....	17
Art. 2. Supervisory Boards and Officers.	
Part 1. State Election Board, County Board of Elections, and County Board of Elections and Registration.	
Subpart 1. State Election Board, 21-2-30 to 21-2-34 .....	88
Subpart 2. County Board of Elections and County Board of Elections and Registration, 21-2-40 .....	93
Subpart 3. Municipal Elections Conducted by Counties, 21-2-45 .....	93
Part 2. Secretary of State, 21-2-50 to 21-2-52 .....	94
Part 3. Superintendents, 21-2-70 to 21-2-75 .....	96
Part 4. Poll Officers, 21-2-90 to 21-2-99 .....	99
Art. 3. Registration of and Committee Organization of Political Parties and Bodies, 21-2-110 to 21-2-113 .....	102
Art. 4. Selection and Qualification of Candidates and Presidential Electors.	
Part 1. General Provisions, 21-2-130 to 21-2-140 .....	105
Part 2. Political Party and Nonpartisan Primaries, 21-2-150 to 21-2-156 .....	121
Part 3. Nomination and Qualification of Independent Candidates, Candidates of Political Bodies, and Presidential Electors, 21-2-170 to 21-2-172 .....	127
Part 4. Nomination of Candidates of Political Bodies for State-Wide Public Office by Convention, 21-2-180 to 21-2-187 .....	132
Art. 5. Presidential Preference Primary, 21-2-190 to 21-2-200 .....	135
Art. 6. Registration of Voters, 21-2-210 to 21-2-246 .....	139
Art. 7. Precincts and Polling Places, 21-2-260 to 21-2-270 ...	173
Art. 8. Voting by Paper Ballot, 21-2-280 to 21-2-294 .....	182
Art. 9. Voting Machines and Vote Recorders Generally.	
Part 1. General Provisions, 21-2-310 .....	190
Part 2. Voting Machines, 21-2-320 to 21-2-334 .....	191

TABLE OF CONTENTS

	PAGE
Part 3. Vote Recorders and Tabulating Machines, 21-2-350 to 21-2-365 .....	204
Art. 10. Absentee Voting, 21-2-380 to 21-2-390 .....	213
Art. 11. Preparation for and Conduct of Primaries and Elections.	
Part 1. General Provisions, 21-2-400 to 21-2-416 .....	225
Part 2. Precincts Using Paper Ballots, 21-2-430 to 21-2-440 .....	237
Part 3. Precincts Using Voting Machines, 21-2-450 to 21-2-457 .....	246
Part 4. Precincts Using Vote Recorders, 21-2-470 to 21-2-473 .....	256
Art. 12. Returns, 21-2-490 to 21-2-504 .....	260
Art. 13. Contested Elections and Primaries, 21-2-520 to 21-2-529 .....	276
Art. 14. Special Elections and Primaries Generally, 21-2-540 to 21-2-545 .....	284
Art. 15. Miscellaneous Offenses, 21-2-560 to 21-2-600 .....	287
<hr style="width: 10%; margin: 10px auto;"/>	
Notice to Rules of State Election Board .....	301
Rules of State Election Board, 183-1 Georgia Election Code, Chs. 183-1-6 to 183-1-8, 183-1-11 to 183-1-15 .....	302
<hr style="width: 10%; margin: 10px auto;"/>	
User's Guide to the Index .....	329
Index .....	331

# Georgia Election Code and Rules of the State Election Board

---

## TITLE 21

## ELECTIONS

---

### CHAPTER 1

### GENERAL PROVISIONS

Sec.		
21-1-1.	Prohibited placements of campaign posters, signs, and advertisements.	ing, and distributing of summary of general amendments to Constitution of Georgia; recording summary on audio tape.
21-1-2.	Preparation, printing, publiciz-	

#### **21-1-1. Prohibited placements of campaign posters, signs, and advertisements.**

(a) It shall be unlawful for any person to place campaign posters, signs, and advertisements:

(1) Within the right of way of any public streets, roads, or highways;

(2) On any public property or building;

(3) On any private property unless the owner thereof has given permission to place such campaign posters, signs, and advertisements on such property; or

(4) Reserved;

(5) On any property zoned for commercial or industrial uses if the placement of such campaign posters, signs, and advertisements conflicts with any zoning laws or ordinances.

(b) Any person who violates this Code section shall be guilty of a misdemeanor. (Ga. L. 1971, p. 624, §§ 1, 3; Ga. L. 1983, p. 471, § 1.)

**21-1-2. Preparation, printing, publicizing, and distributing of summary of general amendments to Constitution of Georgia; recording summary on audio tape.**

(a) The summary of general amendments to the Constitution of Georgia prepared by the Attorney General, the legislative counsel, and the Secretary of State pursuant to Article X, Section I, Paragraph II of the Constitution of Georgia shall be printed by the Secretary of State in sufficient quantities to make available a copy of such summary to any interested citizen requesting a copy. In preparing the summary provided by this provision of the Constitution of Georgia, the Attorney General, the legislative counsel, and the Secretary of State shall provide an explanation of each proposed general amendment to the Constitution of Georgia in language free of legalistic and technical terms, to the end that the summary may be read and understood by the majority of citizens of this state.

(b) The Secretary of State shall cause a supply of the summary to be printed as soon as practicable after the summary has been prepared. The quantity of such supply shall be at the discretion of the Secretary of State. Immediately after receiving a supply of the printed summary, the Secretary of State shall prepare a press release stating that a summary of proposed general amendments to the Constitution of Georgia is available for distribution to interested citizens and advising such citizens of the method or methods by which a copy of such summary may be obtained. The Secretary of State shall distribute this press release to print and broadcast media throughout the state and shall actively seek the cooperation of the media in publicizing the fact that a summary of proposed general amendments to the Constitution of Georgia is available to interested citizens and encouraging citizens to obtain a copy of the summary. The Secretary of State shall reissue, at his discretion, this press release from time to time up to the date of the general election at which the proposed general amendments to the Constitution of Georgia shall be submitted to the electorate for approval or rejection.

(c) The Secretary of State shall send a supply of the printed summary to the superintendent of elections of each county. The press release provided by subsection (b) of this Code section shall state that the summary is available at the office of each election superintendent. Each election superintendent shall distribute a copy of the summary, as made available by the Secretary of State in his discretion, to any interested citizen on request. The press release shall also state that the summary may be obtained by mail and shall advise citizens how a copy may be so obtained. The Secretary of State shall be authorized to use any additional methods for the distribution of the summary as he may deem necessary to achieve the most effective distribution of the summary to all interested citizens.

(d) The Secretary of State is authorized to provide for the preparation of a supply of audio tapes which shall contain the summary of each proposed general amendment to the Constitution as provided in subsection (a) of this Code section, together with a listing of the candidates for each of the state representatives to the United States Congress and the candidates for every public office elected by the electors of the entire state. A sufficient number of the audio tapes may be prepared as will permit the distribution of at least one tape to each of the public libraries within the state for the purpose of providing voting information and assistance to any interested citizen. The Secretary of State may cause a supply of the tapes to be prepared and distributed as soon as practicable after the summary has been prepared and the names of the candidates for each of the public offices to be included are known to be candidates. (Ga. L. 1981, p. 660, § 1; Ga. L. 1982, p. 3, § 21; Ga. L. 1983, p. 140, § 2; Ga. L. 1984, p. 1117, § 1; Ga. L. 1989, p. 10, § 1.)

ELECTIONS

CHAPTER 2

ELECTIONS AND PRIMARIES GENERALLY

Article 1

General Provisions

- Sec. 21-2-1. Short title.
- 21-2-2. Definitions.
- 21-2-3. Definitions and descriptions for use in designating congressional districts.
- 21-2-4. Designation of congressional districts.
- 21-2-4.1. Continuation in office, dismissal, or appointment of members of constitutional or statutory boards or bodies for which membership based on residency within congressional district.
- 21-2-5. Qualifications of candidates for federal and state office; determination of qualifications.
- 21-2-6. Qualifications of candidates for county office; determination of qualifications.
- 21-2-7. Eligibility of subversive persons for nomination or election to public office.
- 21-2-8. Eligibility for party nomination, public office, etc., of persons convicted and sentenced for fraudulent violation of primary or election laws, etc.; effect of disqualification of superintendent.
- 21-2-9. Date of election for Governor, congressmen, etc.
- 21-2-10. Election of presidential electors.
- 21-2-11. Performance of duties by presidential electors.
- 21-2-12. Procedure for filling presidential elector vacancies.
- 21-2-13. Compensation of presidential electors; payment of expenses of electoral college.
- 21-2-14. Computation of time as to exercise of privilege or dis-

Sec.

- 21-2-15. charge of duty under chapter.
- 21-2-16. Applicability of chapter.
- 21-2-17. Construction of chapter.
- 21-2-17. Designation of candidate's chief deputy clerk in elections for clerk of state court of certain counties.

Article 2

Supervisory Boards and Officers

PART 1

STATE ELECTION BOARD, COUNTY BOARD OF ELECTIONS, AND COUNTY BOARD OF ELECTIONS AND REGISTRATION

Subpart 1

State Election Board

- 21-2-30. Creation; composition; terms of service; vacancies; quorum; seal and bylaws; meetings.
- 21-2-31. Duties.
- 21-2-32. Institution of and intervention in court actions; filing of petition; notification of administrative judge of institution of proceedings; consideration of petition by administrative judge of adjoining district; compensation of presiding judge; granting of relief; notice; appellate review.
- 21-2-33. Hearings before board.
- 21-2-34. Compensation and expenses of members.

Subpart 2

County Board of Elections and County Board of Elections and Registration

- 21-2-40. General Assembly authorized to create board of elections and board of elections and registration in any county.

## ELECTIONS AND PRIMARIES GENERALLY

	<b>Subpart 3</b>	<b>Sec.</b>	
	<b>Municipal Elections Conducted by Counties</b>	21-2-97.	Identification badges for poll officers.
		21-2-98.	Compensation of poll officers.
<b>Sec.</b>		21-2-99.	Instruction of poll officers as to use of voting machines or vote recorders; certificate of qualification.
21-2-45.	Authorization to create joint county-municipal boards of elections and boards of elections and registration; authorization for county to conduct elections.		
	<b>PART 2</b>		
	<b>SECRETARY OF STATE</b>		
21-2-50.	Powers and duties.	21-2-110.	Filing of registration statements by political parties or bodies with the Secretary of State; contents of registration statement; amendments; filing fees; failure to file statement.
21-2-51.	Opening of election records to members of public.		
21-2-52.	Preservation of primary and election records.	21-2-111.	Establishment of state and county executive committees; membership and officers; duties; applicability of chapter to persons seeking party office in a primary.
	<b>PART 3</b>		
	<b>SUPERINTENDENTS</b>	21-2-112.	Hearings before state committee; suspension of powers and duties of county committee; delegation of powers by state committee.
21-2-70.	Powers and duties.	21-2-113.	Chief executive and county executive committees.
21-2-71.	Payment by county of superintendent's expenses.		
21-2-72.	Primary and election records to be open to public.		
21-2-73.	Preservation of primary and election records.		
21-2-74.	Creation of board to assume duties of superintendent in counties without a board of elections and in which judge of probate court is candidate for public office.		
21-2-75.	Eligibility of persons holding elective public office to serve on county board of elections.		
	<b>PART 4</b>		
	<b>POLL OFFICERS</b>		
21-2-90.	Appointment of chief manager and assistant managers.	21-2-130.	Procedures for qualification of candidates generally.
21-2-91.	Appointment of clerks.	21-2-131.	Fixing and publishing of qualification fees; manner of payment; distribution of fees paid.
21-2-92.	Qualifications of poll officers.	21-2-132.	Filing notice of candidacy, nomination petition, and affidavit; payment of qualifying fee; pauper's affidavit and qualifying petition for
21-2-93.	Oath of office for managers and clerks.		
21-2-94.	Form of manager's oath.		
21-2-95.	Form of clerk's oath.		
21-2-96.	Administration of oaths by managers.		
			<b>Article 3</b>
			<b>Registration of and Committee Organization of Political Parties and Bodies</b>
			<b>Article 4</b>
			<b>Selection and Qualification of Candidates and Presidential Electors</b>
			<b>PART 1</b>
			<b>GENERAL PROVISIONS</b>

## ELECTIONS

Sec.		Sec.	
	exemption from qualifying fee.	21-2-151.	Authorization for political party primaries and for nonpartisan primaries for judicial offices.
21-2-133.	Giving of notice of intent of candidacy by write-in candidate or by person acting on candidate's behalf; filing of affidavit by person giving notice of intention of candidacy; limitations on candidacy; certification of candidates by Secretary of State.	21-2-152.	Conduct of primaries generally.
		21-2-153.	Qualification of candidates for party nomination in a primary; posting of list of all qualified candidates; filing of affidavit with political party by each qualifying candidate.
21-2-134.	Restriction on nominated candidate's withdrawal and on filling of vacancy following withdrawal; filling of vacancy in party nomination caused by death or disqualification of candidate; death or disqualification of only candidate for office; death or disqualification following nonpartisan primary; nomination certificate.	21-2-154.	Certification of political party candidates.
		21-2-155.	Reopening of qualification for office in event of candidate's death prior to political party primary or nonpartisan primary; death of nominee.
21-2-135.	Designation of specific office sought where office has multiple officeholders with same title.	21-2-156.	Payment of primary expenses.
		PART 3	
21-2-136.	Restriction on number of offices for which an individual may be nominated or be a candidate at any one election.	NOMINATION AND QUALIFICATION OF INDEPENDENT CANDIDATES, CANDIDATES OF POLITICAL BODIES, AND PRESIDENTIAL ELECTORS	
21-2-137.	Qualifying with two political parties; qualifying as independent or political body candidate and as political party candidate.	21-2-170.	Nomination of candidates by petition; form of petition; number of signatures required; manner of signing; limitations as to circulation and amendment of petitions; listing of such candidates on ballots.
21-2-138.	Nonpartisan primaries and elections for judicial offices.	21-2-171.	Examination of petitions; basis for grant or denial of filing; review and appeal of denial.
21-2-139.	Nonpartisan elections for county offices, school boards, and school superintendents.	21-2-172.	Nomination of presidential electors and candidates of political bodies by convention.
21-2-140.	Mandatory drug testing for candidates.	PART 4	
PART 2		NOMINATION OF CANDIDATES OF POLITICAL BODIES FOR STATE-WIDE PUBLIC OFFICE BY CONVENTION	
POLITICAL PARTY AND NONPARTISAN PRIMARIES		21-2-180.	Manner of qualification.
21-2-150.	Date of general primary; date of nonpartisan primary to nominate candidates for judicial offices.		

## ELECTIONS AND PRIMARIES GENERALLY

- | Sec.      |                                                                                                                                                                                                                                       | Sec.      |                                                                                                                                                                                                                                                      |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 21-2-181. | Filing of petitions generally.                                                                                                                                                                                                        | 21-2-199. | Election of political party committee members or officers at primary.                                                                                                                                                                                |
| 21-2-182. | Contents of petitions; signatures.                                                                                                                                                                                                    | 21-2-200. | Applicability of general primary provisions; form of ballot.                                                                                                                                                                                         |
| 21-2-183. | Form of petitions; affidavits of circulators.                                                                                                                                                                                         |           |                                                                                                                                                                                                                                                      |
| 21-2-184. | Restriction on amendment or supplementation.                                                                                                                                                                                          |           |                                                                                                                                                                                                                                                      |
| 21-2-185. | Filing deadline.                                                                                                                                                                                                                      |           |                                                                                                                                                                                                                                                      |
| 21-2-186. | Examination of petitions; judicial review.                                                                                                                                                                                            |           |                                                                                                                                                                                                                                                      |
| 21-2-187. | Holding of conventions; filing notice of candidacy.                                                                                                                                                                                   |           |                                                                                                                                                                                                                                                      |
|           |                                                                                                                                                                                                                                       |           |                                                                                                                                                                                                                                                      |
|           | <b>Article 5</b>                                                                                                                                                                                                                      |           | <b>Article 6</b>                                                                                                                                                                                                                                     |
|           | <b>Presidential Preference Primary</b>                                                                                                                                                                                                |           | <b>Registration of Voters</b>                                                                                                                                                                                                                        |
| 21-2-190. | Short title.                                                                                                                                                                                                                          | 21-2-210. | "Registration officers" defined.                                                                                                                                                                                                                     |
| 21-2-191. | Designation of political parties and bodies which may hold primaries; dates; decision by political party or body to elect delegates to presidential nominating convention in primary; qualifying periods for candidates for delegate. | 21-2-211. | Appointment, compensation, etc., of county registrars; designation and duties of chief registrar; appointment procedure in counties having populations greater than 600,000; training requirement.                                                   |
| 21-2-192. | Proclamation by Governor; copies of proclamation transmitted to superintendents.                                                                                                                                                      | 21-2-212. | Appointment of county deputy registrars; clerical help; appointment of county officer or employee as registrar; high school principals, college or university presidents, directors of area vocational schools, and public librarians as registrars. |
| 21-2-193. | Selection of candidates to appear on ballot; notification of candidates so selected; hearing to consider requests of candidates not selected that their names be placed on ballot.                                                    | 21-2-213. | Qualifications of registrars and deputy registrars; training sessions regarding registration and election laws; appointments of county deputy registrars; registration by deputy registrars who are not residents of county.                         |
| 21-2-194. | Procedure for withdrawal of candidates.                                                                                                                                                                                               | 21-2-214. | Oath required of registrars and deputy registrars.                                                                                                                                                                                                   |
| 21-2-195. | Procedures by which delegates and alternates to national nominating conventions selected.                                                                                                                                             | 21-2-215. | Registration officers' privilege from arrest.                                                                                                                                                                                                        |
| 21-2-196. | Qualification oath of delegates and alternates to national convention.                                                                                                                                                                | 21-2-216. | Obtaining of registration cards by registrars.                                                                                                                                                                                                       |
| 21-2-197. | Effect of withdrawal of presidential candidate.                                                                                                                                                                                       | 21-2-217. | Form of registration cards; procedure in municipalities electing not to use county registration system.                                                                                                                                              |
| 21-2-198. | Assessment of qualifying fee for candidates listed on presidential preference primary ballot.                                                                                                                                         | 21-2-218. | Location of main office of board of registrars; registration of electors at main office and at other designated locations; issuance of blank registration cards; advertisement of additional registra-                                               |

## ELECTIONS

Sec.		Sec.	
	tion places; hours of operation of registration places; selection of registration places.	21-2-227.	Procedure for registration of persons to vote in general primaries and elections other than November elections.
21-2-219.	Qualifications of voters generally; reregistration of voters purged from list of electors; eligibility of voters who reside in another state but are ineligible to vote there; false statements under this Code section.	21-2-228.	Registration of persons to vote in special primaries and elections.
		21-2-229.	Time for closing registration to vote in special primaries or elections to be held at the time of the Georgia presidential preference primary.
21-2-220.	Deadline for receiving registration applications for November election; temporary suspension of registration for subsequent elections.	21-2-230.	Absentee registration.
		21-2-231.	Exemption of qualified electors from registration or further qualification thereafter; loss of qualification for failure to exercise vote; request for continuance of registration; reregistration after cancellation.
21-2-221.	Application to registration officer for voter registration; filling in of registration card; administration and reading of oath to applicant.		
21-2-222.	Rejection of application for conviction of enumerated offenses; designation of board of registrars for each place of registration; approval of registration applications by board of registrars; rights, powers, and limitations of registrars and deputies appointed for the purpose of taking applications, examining applicants, and registering persons to vote at additional registration places.	21-2-232.	Preparation and filing of list of voters who have died or appear to be disqualified by reason of criminal conviction or mental incompetency.
		21-2-232.1.	Retention of inactive registration cards.
		21-2-232.2.	Exchange of municipality and county elector lists; procedure for notifying electors not registered with proper registrar [Repealed].
		21-2-233.	Preparation of list of electors.
21-2-223.	Rejection of application upon applicant's refusal to give information or giving of false information.	21-2-234.	Filing of certified list of qualified electors; furnishing of copies of lists or computer-run lists or tapes containing such lists; appearance on lists as prerequisite to voting; commercial use of lists.
21-2-224.	Appeals from decisions denying or allowing registrations.		
21-2-225.	Notice to person whose right to remain on list of electors is questioned; failure to respond to notice or to appear at hearing; notification procedure upon rejection of application or removal from list.	21-2-235.	Entitlement of qualified electors on certified registration list to vote in election; voting in party primaries; duty of registrars to consolidate lists.
21-2-226.	Retention of records of rejected applicants.	21-2-236.	Examination of electors' qualifications by board of

## ELECTIONS AND PRIMARIES GENERALLY

- | Sec.                                |                                                                                                                                                                                                                                  | Sec.                          |                                                                                                                                                                                                                                                                                                |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                     | registrars; subpoenas; notice and hearing.                                                                                                                                                                                       |                               | tion by board of registrars on its own initiative for division, alteration, etc., of precincts; discretion of superintendent to order division, alteration, etc.; giving of notice of division, alteration, etc.; powers of governing authorities of counties of more than 250,000 population. |
| 21-2-237.                           | Challenge of listed persons by other electors; proceedings upon challenge.                                                                                                                                                       |                               |                                                                                                                                                                                                                                                                                                |
| 21-2-238.                           | Persons entitled to vote in each precinct; provision for central voting location; polling place for each precinct required.                                                                                                      |                               |                                                                                                                                                                                                                                                                                                |
| 21-2-239.                           | Place of voting where change is made in county lines.                                                                                                                                                                            | 21-2-263.                     | Reduction in size of precincts containing more than 2,000 electors when voting in such precincts at previous general election not completed one hour after closing of polls.                                                                                                                   |
| 21-2-240.                           | Procedure upon change of elector's residence.                                                                                                                                                                                    |                               |                                                                                                                                                                                                                                                                                                |
| 21-2-241.                           | Rules for determining residence.                                                                                                                                                                                                 |                               |                                                                                                                                                                                                                                                                                                |
| 21-2-242.                           | Lists and registration cards open to public inspection; public nature of hearings and duties performed by registrars.                                                                                                            | 21-2-264.                     | Reimbursement of counties for costs incurred pursuant to alteration of precinct boundaries.                                                                                                                                                                                                    |
| 21-2-243.                           | Duty of registrars to furnish list for elections held in governmental subdivisions; determination of compensation for furnishing such list.                                                                                      | 21-2-265.                     | Polling places — Duty of superintendent to fix; change; petition objecting to proposed change; provision of space for political parties holding primaries; facilities for the handicapped.                                                                                                     |
| 21-2-244.                           | Replacement of destroyed registration records.                                                                                                                                                                                   |                               |                                                                                                                                                                                                                                                                                                |
| 21-2-245.                           | Preparation of annual budget estimate by board of registrars.                                                                                                                                                                    | 21-2-266.                     | Polling places — Use of public buildings; use of portable or movable facilities.                                                                                                                                                                                                               |
| 21-2-246.                           | Removal of voter's name from electors list.                                                                                                                                                                                      | 21-2-267.                     | Polling places — Equipment; arrangement of ballot boxes, voting machines, etc.; storage of election equipment.                                                                                                                                                                                 |
| <b>Article 7</b>                    |                                                                                                                                                                                                                                  |                               |                                                                                                                                                                                                                                                                                                |
| <b>Precincts and Polling Places</b> |                                                                                                                                                                                                                                  |                               |                                                                                                                                                                                                                                                                                                |
| 21-2-260.                           | Designation of precincts.                                                                                                                                                                                                        | 21-2-268.                     | Compensation for rent, heat, light, and janitorial services for use of public building as polling places.                                                                                                                                                                                      |
| 21-2-261.                           | Change in boundaries of precinct; creation of new precincts.                                                                                                                                                                     | 21-2-269.                     | Construction of rooms for use as temporary polling places.                                                                                                                                                                                                                                     |
| 21-2-261.1.                         | Boundary requirements for precincts established or altered on or after July 1, 1983.                                                                                                                                             | 21-2-270.                     | Run-off primaries.                                                                                                                                                                                                                                                                             |
| 21-2-262.                           | Petition by electors or by county executive committee of a political party for division of precincts or alteration of boundaries of precincts; investigation, recommendation, etc., by board of registrars as to petition; peti- | <b>Article 8</b>              |                                                                                                                                                                                                                                                                                                |
|                                     |                                                                                                                                                                                                                                  | <b>Voting by Paper Ballot</b> |                                                                                                                                                                                                                                                                                                |
|                                     |                                                                                                                                                                                                                                  | 21-2-280.                     | Requirement as to conduct of primaries and elections by ballot; requirement as to use of official ballots only.                                                                                                                                                                                |

## ELECTIONS

Sec.		<b>Article 9</b>
21-2-281.	Voting by paper ballot when use of voting machine impossible or impracticable.	<b>Voting Machines and Vote Recorders Generally</b>
21-2-282.	Voting by paper ballot when use of vote recorders impossible or impracticable.	PART 1
21-2-283.	Printing and safekeeping of ballots and labels by superintendent.	GENERAL PROVISIONS
21-2-284.	Form of official primary ballot.	Sec.
21-2-284.1.	Nonpartisan primary for judicial offices — Form of ballot; primary runoff; placement of nominee on nonpartisan election ballot.	21-2-310. Definitions.
21-2-285.	Form of official election ballot.	PART 2.
21-2-285.1.	Nonpartisan elections for judicial offices — Form of ballot; run-off election; declaration of prevailing candidate as duly elected.	VOTING MACHINES
21-2-286.	Printing specifications, numbering, and binding of ballots.	21-2-320. Power of governing authority to authorize use of and to procure voting machines.
21-2-287.	Form of absentee ballot.	21-2-321. Referendum on question of use of voting machines.
21-2-288.	Procedure as to printing of ballots when candidates for same nomination or office have same or similar names.	21-2-322. General requirements as to voting machines.
21-2-289.	Printing on ballots of names of substitute candidates.	21-2-323. Installation of voting machines; discontinuance of use of paper ballots; minimum number of machines required; use of different types of voting machines; requirements as to working order of voting machines and number of candidates which can be accommodated.
21-2-290.	Superintendent to provide number of ballots equal to number of registered electors in precinct.	21-2-324. Examination and approval of voting machines by Secretary of State; appointment and compensation of examiners.
21-2-291.	Procedure as to unopposed candidates.	21-2-325. Form of ballot labels generally.
21-2-292.	Duty of superintendent to have forms of ballots on file for public inspection prior to election.	21-2-326. Unofficial ballot labels.
21-2-293.	Correction of mistakes and omissions on ballot.	21-2-327. Preparation of voting machines for voting; appointment; oath of office, duties, and compensation of custodians of voting machines and their deputies; notice of such preparation; inspection of voting machines; affidavits as to preparation of machines; furnishing of ballot labels, forms of certificates, and other papers and supplies.
21-2-294.	Responsibility of superintendent for recording number of ballots furnished and number of stubs, unused ballots, and canceled ballots returned.	21-2-328. Delivery, set up, and sealing of properly furnished voting machines prior to primary or election; protection of

## ELECTIONS AND PRIMARIES GENERALLY

- |                                               |                                                                                                                                                |                        |           |                                                                                                                                                                                                                                                                                                                                           |                                                                                |
|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| Sec.                                          | voting machines against molestation or injury.                                                                                                 | Sec.                   | 21-2-357. | Form of ballot cards for vote recorders.                                                                                                                                                                                                                                                                                                  |                                                                                |
| 21-2-329.                                     | Delivery of voting machine keys to chief manager.                                                                                              | 21-2-358.              |           | Write-in votes.                                                                                                                                                                                                                                                                                                                           |                                                                                |
| 21-2-330.                                     | Public exhibition of and instruction on sample voting machine.                                                                                 | 21-2-359.              |           | Preparation of vote recorders for voting; public tests of counting mechanisms; correction of errors before approval; appointment, duties, and compensation of custodians of recorders and their deputies; free access to and examination of recorders; furnishing of ballot labels, forms of certificates, and other papers and supplies. |                                                                                |
| 21-2-331.                                     | Designation and compensation of custodians of voting machines and keys; storage of voting machines when not in use.                            | 21-2-360.              |           | Delivery and set-up of properly furnished vote recorders and materials prior to primary or election; protection against molestation or injury.                                                                                                                                                                                            |                                                                                |
| 21-2-332.                                     | Use of portable polling facilities.                                                                                                            | 21-2-361.              |           | Public exhibition of and instruction on sample vote recorder.                                                                                                                                                                                                                                                                             |                                                                                |
| 21-2-333.                                     | Responsibility of county governing authority to provide for payment of voting machines; issuance of bonds or other indebtedness to meet costs. | 21-2-362.              |           | Designation and compensation of custodians of vote recorders and tabulating machines; storage and care of recorders and machines.                                                                                                                                                                                                         |                                                                                |
| 21-2-334.                                     | Voting by paper ballot when use of voting machine impossible or impracticable.                                                                 | 21-2-363.              |           | Responsibility of county governing authority to provide for payment for vote recorders and tabulating machines; issuance of bonds or other indebtedness to meet cost of voting machines.                                                                                                                                                  |                                                                                |
| <b>PART 3</b>                                 |                                                                                                                                                |                        |           | 21-2-364.                                                                                                                                                                                                                                                                                                                                 | Voting by paper ballot when use of vote recorders impossible or impracticable. |
| <b>VOTE RECORDERS AND TABULATING MACHINES</b> |                                                                                                                                                |                        |           | 21-2-365.                                                                                                                                                                                                                                                                                                                                 | Use of optical scan voting systems.                                            |
| 21-2-350.                                     | General requirements as to vote recorders.                                                                                                     | <b>Article 10</b>      |           |                                                                                                                                                                                                                                                                                                                                           |                                                                                |
| 21-2-351.                                     | Power of county governing authorities to authorize and direct use of and to procure vote recorders and tabulating machines.                    | <b>Absentee Voting</b> |           |                                                                                                                                                                                                                                                                                                                                           |                                                                                |
| 21-2-352.                                     | Installation and use of vote recorders and tabulating machines.                                                                                | 21-2-380.              |           | "Absentee elector" defined.                                                                                                                                                                                                                                                                                                               |                                                                                |
| 21-2-353.                                     | Examination and approval of vote recorders and tabulating machines by Secretary of State.                                                      | 21-2-381.              |           | Making of application for absentee ballot; determination of eligibility by ballot clerk; furnishing of applications to colleges and universities; persons entitled to make application.                                                                                                                                                   |                                                                                |
| 21-2-354.                                     | Form of ballot labels.                                                                                                                         |                        |           |                                                                                                                                                                                                                                                                                                                                           |                                                                                |
| 21-2-355.                                     | Use of separate vote recorders for each political party in primaries; use of same vote recorder for two or more parties.                       |                        |           |                                                                                                                                                                                                                                                                                                                                           |                                                                                |
| 21-2-356.                                     | Use of unofficial ballot labels; procedure in cases where vote recorder becomes inoperable during primary or election.                         |                        |           |                                                                                                                                                                                                                                                                                                                                           |                                                                                |

## ELECTIONS

Sec.

- 21-2-381.1. Procedures for voting with special write-in absentee ballots by qualified absentee electors.
- 21-2-382. Utilization of courthouse or courthouse annex in certain counties as registrar's office or place of registration for absentee ballots.
- 21-2-383. Preparation and delivery of ballots; form of ballots.
- 21-2-384. Preparation and delivery of ballots, envelopes, and other supplies; mailing of ballots; oath of absentee electors and persons assisting absentee electors; master list of ballots sent; challenge of absentee electors.
- 21-2-385. Procedure for voting by absentee ballot.
- 21-2-386. Safekeeping, certification, etc., of absentee ballots received from electors; procedure upon rejection of ballot; delivery of ballots to manager; duty of managers to open envelopes and deposit absentee ballots in ballot box; separation of ballots where vote taken on any question involving any political subdivision which includes less than the entire county; marking of challenged ballots; notification to challenged elector.
- 21-2-387. Procedure as to ballots of deceased electors.
- 21-2-388. Cancellation of absentee ballots of electors who are present in election precinct during primaries and elections.
- 21-2-389. Payment of postage for mailing absentee ballots.
- 21-2-390. Delivery of election materials to clerk of superior court after primary or election; accounting for ballots by registrars.

### Article 11

#### Preparation for and Conduct of Primaries and Elections

##### PART 1

##### GENERAL PROVISIONS

Sec.

- 21-2-400. Duty of superintendent to obtain cards of instruction, blank forms of oaths, and other forms and supplies; preparation and distribution of sample or facsimile ballot labels.
- 21-2-401. Duty of superintendent to have forms and supplies packed and delivered to precincts; distribution by registrars of copy of certified electors list to managers in each precinct; contents of list; authentication of lists; return receipts for delivered lists; master list of county electors.
- 21-2-402. Preparation and furnishing of voter's certificates by Secretary of State; form of certificates; binders for certificates.
- 21-2-403. Time for opening and closing of polls.
- 21-2-404. Affording employees time off to vote.
- 21-2-405. Meeting of poll officers at place of primary or election; oaths of poll officers; procedure upon failure of poll officer to appear on day of primary or election; custodians of electors list, ballots, etc.; assignments upon temporary absence or disability of poll officers.
- 21-2-406. Public performance of duties by officials.
- 21-2-407. Duty of registrars to review qualifications of electors who may have been erroneously omitted from list of electors; authority to place such electors on the list.

## ELECTIONS AND PRIMARIES GENERALLY

Sec.		Sec.	
21-2-408.	Designation of poll watchers; authority of poll watchers to observe conduct of election; removal of poll watchers who interfere with conduct of election; reports by poll watchers of infractions, etc.; ineligibility of candidates to serve as poll watchers.		papers not intended for use in primary or election; locking of ballot box; public breaking of seals of packages furnished by superintendent; posting and distribution of instruction cards and notices of penalties.
21-2-409.	Assisting electors who cannot read English or who have physical disabilities.	21-2-431.	Execution of voter's certificate; procedure upon qualification of elector; procedure as to elector unable to sign name; voting outside precinct of residence; registration as prerequisite to voting.
21-2-409.1.	Voting by electors who are 75 years of age or older or handicapped electors without having to wait in line.	21-2-432.	Voter's certificate binder as constituting official list of electors; separate preservation and disposition of refused applications.
21-2-410.	Poll officers authorized to give instructions to electors upon request.	21-2-433.	Admission of electors to enclosed space; detachment of ballots from stubs and distribution of ballots to electors; return of canceled ballots to superintendent.
21-2-411.	Return of checked list of electors and voter's certificates to superintendent; disposition of list and certificates by registrars.	21-2-434.	Restrictions as to removal of ballots from book or polling place; deposit of official ballots in box; disposition of unofficial ballots.
21-2-412.	Duties of superior courts on days of primaries and elections.	21-2-435.	Procedure as to marking and depositing of ballots.
21-2-413.	Requirements as to conduct of voters, campaigners, etc., at polling places generally.	21-2-436.	Duties of poll officers after the close of the polls.
21-2-414.	Restrictions on campaign activities and public opinion polling within the vicinity of a polling place; penalty.	21-2-437.	Procedure as to count and return of votes generally.
21-2-415.	Requirements as to identification of literature which is distributed, circulated, disseminated, or published in connection with campaign for public office; unauthorized use of another's name for purposes of endorsing, circulating, or publishing campaign material; penalty.	21-2-438.	Ballots identifying voter, not marked, or improperly marked declared void.
21-2-416.	Methods of casting ballots in elections utilizing paper ballots or vote recorders.	21-2-439.	Decisions concerning questionable marks or defaced or mutilated ballots.
		21-2-440.	Duty of poll officers to sign general returns; posting of copy of returns; delivery of copy of returns, ballots, tally papers, etc., to superintendent.

### PART 2

#### PRECINCTS USING PAPER BALLOTS

21-2-430. Opening of ballot boxes; destruction of ballots and other

### PART 3

#### PRECINCTS USING VOTING MACHINES

21-2-450. Procedure as to opening of polls, posting cards of in-

## ELECTIONS

- |           |                                                                                                                                                                                                                                                                                              |           |                                                                                                                                                                                                                                                                                |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sec.      |                                                                                                                                                                                                                                                                                              | Sec.      |                                                                                                                                                                                                                                                                                |
|           | struction, examination of voting machines, etc.                                                                                                                                                                                                                                              | 21-2-471. | Counting of ballots; printing and posting of returns.                                                                                                                                                                                                                          |
| 21-2-451. | Execution of voter's certificate; procedure upon qualification of elector; procedure as to elector unable to sign name; voting outside of precinct of residence; registration as prerequisite to voting.                                                                                     | 21-2-472. | Preparation, signing, and disposition of returns; disposition of voted ballot cards, unused ballot cards, records, vote recorders, and other materials.                                                                                                                        |
| 21-2-452. | Admission of electors to enclosed space; voting procedure generally; procedure as to write-in votes; voting by electors whose right to vote is challenged; paper ballots for handicapped voters.                                                                                             | 21-2-473. | Duties of poll officers after the close of the polls.                                                                                                                                                                                                                          |
| 21-2-453. | Voter's certificate binder as constituting official list; separate preservation and return of refused applications.                                                                                                                                                                          |           | <b>Article 12</b>                                                                                                                                                                                                                                                              |
| 21-2-454. | Duties of poll officers after the close of the polls.                                                                                                                                                                                                                                        |           | <b>Returns</b>                                                                                                                                                                                                                                                                 |
| 21-2-455. | Canvass and return of votes.                                                                                                                                                                                                                                                                 | 21-2-490. | Office of superintendent and chairman of county board of registrars to remain open during primaries and elections until all ballot boxes and returns received and all duties completed; applicability to counties having population of 550,000 or more.                        |
| 21-2-456. | Form of general return sheet, duplicate return sheets, and statement; posting of statement, etc., upon ascertaining vote; delivery of duplicate return sheets, voter's certificates, etc., to superintendent; seal and return of electors list upon completion of vote count and tabulation. | 21-2-491. | Public inspection of unsealed returns at office of superintendent; opening of sealed envelopes upon order of superintendent or court.                                                                                                                                          |
| 21-2-457. | Removal, storage, and examination of voting machines after completion of vote count.                                                                                                                                                                                                         | 21-2-492. | Superintendent to arrange for computation and canvassing of returns; notice of when and where returns will be computed and canvassed; procurement of blank forms for making statements of returns; swearing of individuals assisting in computation and canvassing of returns. |
|           |                                                                                                                                                                                                                                                                                              | 21-2-493. | Computation, canvassing, and tabulation of returns by superintendent; investigation of discrepancies in vote counts; recount procedure; certification of returns; certification and filing of corrected returns in case of change in return due to election contest.           |
|           |                                                                                                                                                                                                                                                                                              | 21-2-494. | Computation and certification of write-in votes.                                                                                                                                                                                                                               |
|           |                                                                                                                                                                                                                                                                                              | 21-2-495. | Procedure for recount or re-canvass of votes; losing candidate's right to a recount.                                                                                                                                                                                           |

### PART 4

#### PRECINCTS USING VOTE RECORDERS

- 21-2-470. Ballot procedures in general; voting instructions; spoiled or defaced ballots; voters to exhibit ballot card number strip to poll officer; inspection of vote recorders and ballot labels; disposition of number strips; accommodations for handicapped electors.

## ELECTIONS AND PRIMARIES GENERALLY

<p>Sec. 21-2-496.</p>	<p>Preparation and filing by superintendent of four copies of consolidated return of primary.</p>	<p>Sec. elect or upon death, withdrawal, or failure of officer-elect to qualify.</p>
<p>21-2-497.</p>	<p>Preparation and filing by superintendent of four copies of consolidated return of elections.</p>	<p style="text-align: center;"><b>Article 13</b></p>
<p>21-2-498.</p>	<p>Composition of Constitutional Officers Election Board; opening of returns of elections for constitutional officers before board; publication of returns; certification of returns by board; filing of returns with Secretary of State; procedure in cases in which returns have not been transmitted to Secretary of State at time of convening of board.</p>	<p style="text-align: center;"><b>Contested Elections and Primaries</b></p>
<p>21-2-499.</p>	<p>Duty of Secretary of State as to tabulation, computation, and canvassing of votes for state and federal officers; certification of presidential electors by Governor.</p>	<p>21-2-520. Definitions.</p>
<p>21-2-500.</p>	<p>Delivery of voting materials to clerk of superior court; presentation to grand jury; preservation and destruction.</p>	<p>21-2-521. Primaries and elections which are subject to contest; persons who may bring contest.</p>
<p>21-2-501.</p>	<p>Majority vote as prerequisite for nomination or election; holding of run-off primary or election when no candidate receives majority vote; procedure for run-off primary or election generally; run-off procedure for constitutional officers.</p>	<p>21-2-522. Grounds for contest.</p>
<p>21-2-502.</p>	<p>Issuance of certificates of election and commission; Governor's proclamation as to constitutional amendments.</p>	<p>21-2-523. Jurisdiction and general pre-trial proceedings in superior court; notification of proceedings to administrative judge; selecting administrative judge of adjoining district; compensation of presiding judge.</p>
<p>21-2-503.</p>	<p>Issuance of commission to person whose election is contested; procedure upon finding that person to whom commission was issued was not legally elected.</p>	<p>21-2-524. Filing and allegations of petition to contest primary or election; service of petition upon State Election Board; verification of petition by affidavit; notice of proceedings to answer petition; service of special process; amendment of petition, cross action, or answer.</p>
<p>21-2-504.</p>	<p>Special primary or election upon failure to nominate or</p>	<p>21-2-525. Hearing; powers of court generally.</p>
		<p>21-2-526. Trial by jury.</p>
		<p>21-2-527. Pronouncement of judgment; effect of finding of misconduct by poll officers; calling of second primary or election by court upon finding of defects which render results of primary or election doubtful.</p>
		<p>21-2-527.1. Right of parties to object to settlement; court approval.</p>
		<p>21-2-528. Appeals from court's determination on contest petition.</p>
		<p>21-2-529. Liability for costs; methods of collecting.</p>
		<p style="text-align: center;"><b>Article 14</b></p>
		<p style="text-align: center;"><b>Special Elections and Primaries Generally</b></p>
		<p>21-2-540. Conduct of special elections generally.</p>

## ELECTIONS

<p>Sec. 21-2-541.</p>	<p>Holding of special primary or election at time of general primary or election; inclusion of candidates and questions in special primary or election on ballot for general primary or election.</p>	<p>Sec. 21-2-570.</p>	<p>Buying or selling, offering to buy or sell, or participating in the buying and selling of votes.</p>
<p>21-2-542.</p>	<p>Special election for United States senator vacancy; temporary appointment by Governor.</p>	<p>21-2-571.</p>	<p>Voting by unqualified elector.</p>
<p>21-2-543.</p>	<p>Special election for United States congressional representative vacancy.</p>	<p>21-2-572.</p>	<p>Repeat voting in same primary or election.</p>
<p>21-2-544.</p>	<p>Special election for General Assembly vacancy.</p>	<p>21-2-573.</p>	<p>Absentee voting by unqualified elector.</p>
<p>21-2-545.</p>	<p>Procedure as to unopposed candidates.</p>	<p>21-2-574.</p>	<p>Unlawful possession of ballots.</p>
<p><b>Article 15</b></p>		<p>21-2-575.</p>	<p>Counterfeit ballots, ballot cards, or ballot labels; sample or facsimile ballots.</p>
<p><b>Miscellaneous Offenses</b></p>		<p>21-2-576.</p>	<p>Destroying, defacing, or delaying delivery of ballots or ballot cards.</p>
<p>21-2-560.</p>	<p>Making of false statements generally.</p>	<p>21-2-577.</p>	<p>Improper removal of ballots from book of official ballots.</p>
<p>21-2-561.</p>	<p>False registration.</p>	<p>21-2-578.</p>	<p>Unfolding, opening, or prying into ballots and ballot cards.</p>
<p>21-2-562.</p>	<p>Fraudulent entries; unlawful alteration or destruction of entries; unlawful removal of documents; neglect or refusal to deliver documents.</p>	<p>21-2-579.</p>	<p>Fraudulently allowing ballot, ballot card, or voting machine to be seen; casting unofficial ballot; receiving unauthorized assistance in voting.</p>
<p>21-2-563.</p>	<p>Improper signing or alteration of nomination petitions or affidavits.</p>	<p>21-2-580.</p>	<p>Tampering with, damaging, improper preparation of, or prevention of proper operation of voting machines.</p>
<p>21-2-564.</p>	<p>Willful destruction, fraudulent filing, or suppression of nomination materials.</p>	<p>21-2-581.</p>	<p>Unauthorized making or possession of voting machine key.</p>
<p>21-2-565.</p>	<p>Making of false statements in connection with filing notice of candidacy or qualifying as candidate for party nomination; duties of district attorney as to violations.</p>	<p>21-2-582.</p>	<p>Tampering with, damaging, or preventing of proper operation of vote recorders or tabulating machines.</p>
<p>21-2-566.</p>	<p>Interference with primaries and elections generally.</p>	<p>21-2-583.</p>	<p>Removal or destruction of election supplies or conveniences.</p>
<p>21-2-567.</p>	<p>Intimidation of electors.</p>	<p>21-2-584.</p>	<p>Refusal or failure of manager to administer oath to poll officer; poll officer acting without being sworn; giving of false certification as to swearing of poll officer.</p>
<p>21-2-568.</p>	<p>Entry into voting compartment or booth while another voting; interfering with elector; inducing elector to reveal or revealing elector's vote; influencing voter while giving lawful assistance.</p>	<p>21-2-585.</p>	<p>Refusal by superintendent or his employee to permit public inspection of documents; removal, destruction, or alteration of documents.</p>
<p>21-2-569.</p>	<p>Interfering with poll officers.</p>		

Sec.		Sec.	
21-2-586.	Refusal by Secretary of State or his employee to permit public inspection of documents; removal, destruction, or alteration of documents.		move obstacles from entrances to polling places or to maintain order and quell disturbances at polling places; hindrance or delay of poll officers by law enforcement officers.
21-2-587.	Frauds by poll officers.		
21-2-588.	Premature counting of votes by poll officer.	21-2-594.	Offenses by printers of ballots.
21-2-589.	Willful omissions by poll officers.	21-2-595.	Sale, etc., of alcoholic beverages on primary or election days [Repealed].
21-2-590.	Poll officer permitting unregistered or unqualified persons to vote; refusing to permit registered and qualified persons to vote; unlawful rendering of assistance.	21-2-596.	Failure of public or political officer to perform duty.
		21-2-597.	Intentional interference with performance of election duties.
21-2-591.	Poll officers permitting unlawful assistance to voters.	21-2-598.	Punishment for misdemeanors under chapter.
21-2-592.	Failure of poll officers to keep record of assisted voters.	21-2-599.	Punishment for felonies under chapter.
21-2-593.	Neglect or refusal by law enforcement officers to re-	21-2-600.	Use of list of electors for commercial purposes prohibited.

---

## ARTICLE 1

### GENERAL PROVISIONS

#### 21-2-1. Short title.

This chapter shall be known and may be cited as the "Georgia Election Code." (Code 1933, § 34-101, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

#### 21-2-2. Definitions.

As used in this chapter, the term:

(1) "Ballot card" means the tabulating or punch card upon which an elector records his vote by the use of a vote recorder. "Ballot card" also means a ballot upon which an elector records his vote for tabulation by an optical scan tabulating machine.

(2) "Ballot labels" means the cards, paper, or other material placed on the front of a voting machine or vote recorder containing the names of offices and candidates and statements of questions to be voted on.

(2.1) "Call" or "the call," as used in relation to special elections or primaries, means the affirmative action taken by the responsible public officer to cause a special election or primary to be held. The date of the call shall be the date of the first publication in a newspaper of appropriate circulation of such affirmative action.

(3) "Custodian" means the person charged with the duty of testing and preparing the voting machine or vote recorder for the primary or election and with instructing the poll officers in the use of same.

(4) "Election" means any general or special election and shall not include a primary.

(5) "Election district" is synonymous with the terms "precinct" and "voting precinct."

(6) "Elector" means any person who shall possess all of the qualifications for voting now or hereafter prescribed by the laws of this state and shall have registered in accordance with this chapter.

(7) "General election" means an election recurring at stated intervals fixed by law; and the words "general primary" mean a primary recurring at stated intervals fixed by law.

(8) "Independent" means a person unaffiliated with any political party or body.

(9) "Managers" means the chief manager and the assistant managers required to conduct primaries and elections in any precinct in accordance with this chapter.

(10) "Municipality" means an incorporated municipality.

(11) "Nomination" means the selection, in accordance with this chapter, of a candidate for a public office authorized to be voted for at an election.

(12) "November election" means the general election held on the Tuesday next following the first Monday in November in each even-numbered year.

(13) "Numbered list of voters" means one or more sheets of uniform size containing consecutively numbered blank spaces for the insertion of voters' names at the time of and in the order of receiving their ballots or number slips governing admissions to the voting machines.

(14) "Oath" shall include affirmation.

(15) "Official ballot" means a paper ballot which is furnished by the superintendent in accordance with Code Section 21-2-280.

(16) "Official ballot label" means a ballot label prepared in accordance with Article 9 of this chapter and delivered by the superintendent to the poll officers in accordance with Code Sections 21-2-328 and 21-2-360.

(17) "Paper ballot" or "ballot" means the forms described in Article 8 of this chapter. The term "paper ballot" shall not include a ballot card.

(18) "Party nomination" means the selection by a political party, in accordance with this chapter, of a candidate for a public office authorized to be voted for at an election.

(19) "Political body" or "body" means any political organization other than a political party.

(20) "Political organization" means an affiliation of electors organized for the purpose of influencing or controlling the policies and conduct of government through the nomination of candidates for public office and, if possible, the election of its candidates to public office, except that the term "political organization" shall not include a "subversive organization" as defined in Part 2 of Article 1 of Chapter 11 of Title 16, the "Sedition and Subversive Activities Act of 1953."

(21) "Political party" or "party" means any political organization which at the preceding:

(A) Gubernatorial election nominated a candidate for Governor and whose candidate for Governor at such election polled at least 20 percent of the total vote cast in the state for Governor; or

(B) Presidential election nominated a candidate for President of the United States and whose candidates for presidential electors at such election polled at least 20 percent of the total vote cast in the nation for that office.

(22) "Polling place" means the room provided in each precinct for voting at a primary or election.

(23) "Poll officers" means the chief manager, assistant managers, and clerks required to conduct primaries and elections in any precinct in accordance with this chapter.

(23.5) "Precinct" is synonymous with the term "voting precinct" and means a geographical area, established in accordance with this chapter, within which all electors vote at one polling place.

(24) "Primary" means any election held for the purpose of electing party officers or nominating candidates for public offices to be voted for at an election.

(25) "Public office" means every federal, state, and county office to which persons can be elected by a vote of the electors under the laws of this state, except that the term shall not include the office of soil and water conservation district supervisor.

(26) "Question" means a brief statement of such constitutional amendment or other proposition as shall be submitted to a popular vote at any election.

(27) "Residence" means domicile.

(28) "Special election" means an election that arises from some exigency or special need outside the usual routine.

(29) "Special primary" means a primary that arises from some exigency or special need outside the usual routine.

(30) "Superintendent" means either the judge of the probate court of a county or the county board of elections if a county has such.

(31) "Swear" shall include affirm.

(32) "Tabulating machine" means any data processing machine used in counting ballot cards and tabulating votes thereon.

(33) Reserved.

(34) "Vote recorder" means a device into which a ballot card may be inserted so that an elector may record his vote for any candidate and for or against any question by punching or marking the ballot card.

(35) "Voting machine" shall not include a vote recorder or tabulating machine.

(36) "Write-in ballot" means the paper or other material on which a vote is cast for persons whose names do not appear on the official ballot. (Code 1933, § 34-103, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1970, p. 347, § 1; Ga. L. 1978, p. 1004, §§ 1, 2; Ga. L. 1979, p. 964, § 1; Ga. L. 1982, p. 3, § 21; Ga. L. 1982, p. 1512, § 1; Ga. L. 1983, p. 140, § 1; Ga. L. 1984, p. 696, § 1; Ga. L. 1988, p. 964, § 1; Ga. L. 1989, p. 10, § 1.)

### **21-2-3. Definitions and descriptions for use in designating congressional districts.**

For purposes of this article:

(1) The terms "Tract," "Block," and "VTD" shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 1990 for the State of Georgia.

(2) The term "Precinct" is synonymous with the term "voting precinct" and means a geographical area, established in accordance with Article 7 of this chapter, within which all electors vote at one polling place.

(3) Whenever the description of any congressional district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census maps for the United States decennial census of 1990 for the State of Georgia.

(4) Precinct names and designations following VTD designations are included for convenience only; and in the event the description of any congressional district contains a conflict between the geographical boundaries of any VTD and the boundaries of the following named precinct, the geographical boundary of the VTD as shown on the census maps for the United States decennial census of 1990 for the State of Georgia shall control.

(5) Any part of the State of Georgia which is described in this Code section as being included in a particular congressional district shall nevertheless not be included within such congressional district if such part is not contiguous to such congressional district. Such noncontiguous part shall instead be included within that congressional district contiguous to such part which contains the least population according to the United States decennial census of 1990 for the State of Georgia. (Code 1933, § 34-1801, enacted by Ga. L. 1971, Ex. Sess., p. 89, § 1; Code 1933, § 34-1802, enacted by Ga. L. 1981, Ex. Sess., p. 131, § 1; Ga. L. 1991, Ex. Sess., p. 92, § 1; Ga. L. 1992, p. 335, § 1; Ga. L. 1992, p. 833, § 1.)

#### **21-2-4. Designation of congressional districts.**

(a) The state is divided into 11 congressional districts, each of which is entitled to elect one representative to the Congress of the United States. Each such district shall be composed of either a portion of a county, or a county, or counties, or any combination thereof, as provided in this subsection.

##### District: I

EMANUEL COUNTY  
 BULLOCH COUNTY  
 CANDLER COUNTY  
 TOOMBS COUNTY  
 MONTGOMERY COUNTY  
 TATTNALL COUNTY  
 EVANS COUNTY  
 BRYAN COUNTY

LIBERTY COUNTY  
 LONG COUNTY  
 APPLING COUNTY  
 WAYNE COUNTY  
 MCINTOSH COUNTY  
 BACON COUNTY  
 PIERCE COUNTY  
 WARE COUNTY  
 GLYNN COUNTY  
 BRANTLEY COUNTY  
 CAMDEN COUNTY  
 CHARLTON COUNTY  
 CHATHAM COUNTY

VTD: 0001 1-1

VTD: 0002 1-2

VTD: 0003 1-3

VTD: 0005 1-5

VTD: 0006 1-6

VTD: 0007 1-7

VTD: 0009 1-9

VTD: 0010 1-10

VTD: 0011 1-11

VTD: 0012 1-12 (Part)

Tract: 0039.

Block(s): 203, 204, 205, 206, 207, 208, 209, 210, 211, 301A,  
 302, 303, 304, 305, 306, 307, 308, 309, 311A

VTD: 0013 1-13 (Part)

Tract: 0102.

Block(s): 202, 203, 204, 205, 301, 302, 303, 304, 305, 306, 307

VTD: 0022 2-9

VTD: 0024 3-1

VTD: 0025 3-2

VTD: 0026 3-3 (Part)

Tract: 0036.01

Block(s): 103, 108, 109, 115, 116, 120, 201, 202, 203, 204, 205,  
 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217,  
 218, 301, 302, 303, 304, 305, 306A, 307

Tract: 0036.02

Block(s): 101A

Tract: 0037.

Block(s): 108, 109, 110, 111, 112, 113, 118, 119, 120, 201A,  
 201B, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212,  
 213, 214, 215, 216

Tract: 0101.01

Block(s): 323

VTD: 0028 3-5

VTD: 0029 3-6 (Part)

Tract: 0035.02

Block(s): 108, 118, 119, 120, 121, 122, 123, 201, 202, 203, 204,  
205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216,  
217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228,  
229, 230, 231

VTD: 0031 3-8

VTD: 0032 3-9

VTD: 0033 3-10

VTD: 0034 4-1

VTD: 0036 4-3

VTD: 0037 4-4

VTD: 0038 4-5

VTD: 0039 4-6

VTD: 0041 4-8

VTD: 0042 4-9

VTD: 0043 4-10 (Part)

Tract: 0101.02

Block(s): 315B, 402, 403B, 404, 411, 412, 413

Tract: 0110.02

Block(s): 103

Tract: 0110.04

Block(s): 101A, 101B, 102, 103, 104, 105, 106, 107, 108, 109,  
110, 111, 112, 113, 114, 201, 202, 203, 204, 205, 206, 207,  
208, 209, 210, 211, 212, 213, 301, 302, 303, 304, 305, 306,  
307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318,  
319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330,  
331

VTD: 0044 4-11

VTD: 0045 4-12

VTD: 0056 6-1

VTD: 0057 6-2

VTD: 0059 6-4

VTD: 0060 6-5

VTD: 0061 6-6

VTD: 0062 6-7

VTD: 0063 6-8

VTD: 0064 6-9

VTD: 0065 7-1

VTD: 0066 7-2

VTD: 0067 7-3

VTD: 0068 7-4

VTD: 0069 7-5 (Part)

Tract: 0107.98

Block(s): 101A, 102, 103, 105, 106, 107, 108, 109, 110, 111,  
112, 113, 114, 115, 117A, 118A, 123, 124B, 125, 126, 127A,

127B, 128, 129, 130A, 130B, 131, 132, 154A, 154B, 188,  
189A, 189B, 190A, 190B, 191, 192, 193, 194, 301, 302, 303,  
304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 316A, 316B,  
317A, 317B, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327,  
328, 329, 330, 331

Tract: 0112.98

Block(s): 367B

VTD: 0070 7-6

VTD: 0071 7-7

VTD: 0072 7-8

VTD: 0073 7-9

VTD: 0074 7-10

VTD: 0075 7-11

VTD: 0076 8-1

VTD: 0077 8-2 (Part)

Tract: 0106.01

Block(s): 315, 620A, 620B

Tract: 0106.04

Block(s): 129A, 130, 131A

Tract: 0106.05

Block(s): 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135,  
136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146C, 147,  
148, 149, 150, 151B, 152B, 153, 154B, 162, 163, 164, 165,  
166, 167, 168, 169A, 169B, 170A, 170B, 171A, 171B, 172A,  
172B

VTD: 0086 5-11

#### EFFINGHAM COUNTY

VTD: 0001 FAULKVILLE 1

VTD: 0002 GUYTON 2A

VTD: 0003 HODGEVILLE 2B

VTD: 0004 SHAWNEE 3A (Part)

Tract: 0301.

Block(s): 108, 111, 112, 113, 114, 115, 116, 117, 118, 120, 121,  
122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133,  
134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145,  
146, 147, 148, 149, 164, 165, 166, 167, 168, 169, 170, 171,  
172, 173, 174, 175, 176, 177, 178, 181, 214, 215, 216, 217,  
218, 219, 220, 221, 222, 233, 234, 235, 236, 237, 238, 239,  
240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251,  
252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 285, 292,  
313, 314, 315, 316, 317, 318, 319, 323, 324

VTD: 0005 CLYO 3B (Part)

Tract: 0301.

Block(s): 119, 150, 151, 160, 161, 162, 163, 211, 213, 294, 295,  
296

Tract: 0302.

Block(s): 130, 131, 135, 140, 141, 142, 150, 151, 152, 153, 154, 155, 159

VTD: 0006 MASONIC LODGE 3C AND SPRINGFIELD 4 (Part)

Tract: 0301.

Block(s): 212, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 284, 286, 287, 291, 293, 297, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 320, 321, 322, 325, 326, 327, 328, 329, 330, 331, 332

Tract: 0302.

Block(s): 132, 133, 134, 137, 138, 139, 163, 164, 165, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 202, 203, 204, 205, 206, 207, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250A, 250B, 251, 252, 253A, 253B, 254A, 254B, 255A, 255B, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316A, 316B, 317B, 317C, 319A, 319B, 320, 321, 322, 323, 324, 325, 326A, 326B, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360A, 360B, 361A, 361B, 362, 363A, 363B, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 401, 402, 403, 404, 405A, 405B, 406, 407, 408, 410, 412, 423, 424, 425, 426A, 426B, 427A, 427B, 428, 429, 430, 431, 433A, 437, 439, 440, 441

Tract: 0303.98

Block(s): 103, 116, 118, 119, 120, 121, 129, 130, 132

VTD: 0008 RINCON 5 (Part)

Tract: 0303.98

Block(s): 105, 109, 110, 111, 112, 113A, 113B, 113C, 114, 115, 124A, 124B, 125, 126A, 126B, 127, 128, 131, 135B, 137, 138A, 138B, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173A, 173B, 174, 175, 176, 177, 178, 179, 180A, 180B, 181, 182A, 182B, 183B, 184, 191, 192, 193, 194, 201A, 201B, 202A, 202B, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316A, 316B, 316C, 316D, 318, 319, 320, 321, 322, 323, 324, 325, 326, 333,

334, 335, 336, 337, 338, 339, 340, 341A, 341B, 343A, 343B,  
 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355,  
 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367A

District: 2

TALBOT COUNTY  
 TAYLOR COUNTY  
 MARION COUNTY  
 MACON COUNTY  
 SCHLEY COUNTY  
 STEWART COUNTY  
 WEBSTER COUNTY  
 SUMTER COUNTY  
 QUITMAN COUNTY  
 TERRELL COUNTY  
 RANDOLPH COUNTY  
 CLAY COUNTY  
 CALHOUN COUNTY  
 EARLY COUNTY  
 BAKER COUNTY  
 MITCHELL COUNTY  
 MILLER COUNTY  
 SEMINOLE COUNTY  
 DECATUR COUNTY  
 GRADY COUNTY  
 THOMAS COUNTY  
 BROOKS COUNTY  
 BIBB COUNTY

VTD: 0001 EM01

VTD: 0002 EM02

VTD: 0003 EM03

VTD: 0004 EM04

VTD: 0005 EM05

VTD: 0006 EM06

VTD: 0008 EM08

VTD: 0010 GODFREY 01

VTD: 0011 GODFREY 02

VTD: 0012 GODFREY 03

VTD: 0013 GODFREY 04

VTD: 0016 GODFREY 07

VTD: 0019 HAZARD 05

VTD: 0022 MACON 03

VTD: 0023 HAZARD 01

VTD: 0033 RUTLAND 02 (Part)

Tract: 0130.

- Block(s): 201C, 202, 231C, 232B, 273B, 274C, 275, 276B, 277B, 278B, 279C, 281B, 281C
- Tract: 0135.02
- Block(s): 128, 131, 132, 201, 202, 203, 204, 213, 214, 215, 301, 302, 304, 309A, 309B, 309C, 309D, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320
- VTD: 0034 VINEVILLE 01
- VTD: 0035 VINEVILLE 02
- VTD: 0036 VINEVILLE 03
- VTD: 0037 VINEVILLE 04
- VTD: 0038 VINEVILLE 05
- VTD: 0040 VINEVILLE 07 (Part)
- Tract: 0102.
- Block(s): 204, 205, 215, 301, 302, 303, 305, 306
- Tract: 0103.
- Block(s): 202, 203
- VTD: 0041 VINEVILLE 08 (Part)
- Tract: 0119.
- Block(s): 104, 105, 106, 111, 115
- VTD: 0043 MACON 02
- VTD: 0044 MACON 01
- CHATTAHOOCHEE COUNTY
- VTD: 0001 CUSSETA (Part)
- Tract: 0201.
- Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114A, 114B, 115A, 115B, 116A, 116B, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134A, 134B, 135A, 135B, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159A, 159B, 160, 161A, 161B, 162A, 162B, 163, 164A, 164B, 165A, 165B, 165C, 166A, 166B, 167, 168, 169A, 169B, 170A, 170B, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250
- Tract: 0202.
- Block(s): 901A, 901B, 901C, 901D, 901E, 901F, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921
- COLQUITT COUNTY
- VTD: 0001 BRIDGE CREEK (Part)
- Tract: 9709.

Block(s): 305, 306, 307  
 VTD: 0004 FUNSTON (Part)

Tract: 9709.

Block(s): 222, 223, 301C, 302, 303, 304, 308B, 314B, 315, 316,  
 321

VTD: 0006 HARTSFIELD

VTD: 0010 MOULTRIE (Part)

Tract: 9703.

Block(s): 216, 433, 523, 524, 525, 616, 617

Tract: 9704.

Block(s): 113, 114, 115, 116, 117, 118, 122, 123, 124, 125, 212,  
 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224,  
 225, 226, 227, 228, 229, 230, 231, 250, 251, 252, 253, 254,  
 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265

Tract: 9707.

Block(s): 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215,  
 216, 221, 222, 223, 224, 225, 226, 227, 228, 229, 236, 237,  
 238, 239, 240, 241, 242, 250, 251, 252, 253, 254, 255, 256,  
 301, 302, 303, 304, 305, 306, 307, 314, 315, 316, 317, 318,  
 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 332,  
 333, 334

Tract: 9708.

Block(s): 101, 102, 103, 104, 105, 106, 107, 108A, 108B, 109,  
 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121,  
 122, 123, 124, 125, 126, 127, 128, 129, 130, 134, 135, 136,  
 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148,  
 205, 206, 207, 208, 209, 210, 211, 214, 215, 216, 301C

Tract: 9709.

Block(s): 129A, 131, 134, 135, 136, 301A, 325B

VTD: 0018 SHAW

CRAWFORD COUNTY

VTD: 0002 2

VTD: 001B 1B

CRISP COUNTY

VTD: 0001 CORDELE (Part)

Tract: 9801.

Block(s): 118, 119, 120, 122, 123, 124, 204, 205A, 205B, 206,  
 211, 212, 213, 263A, 264A, 265A, 266A, 306A, 307A, 307B,  
 308A, 308B, 308C, 308D, 309A, 309B, 310, 311, 312, 313,  
 314, 315, 316, 317, 318, 320, 321, 364, 365, 366, 367

Tract: 9802.

Block(s): 144A, 148, 168A, 168C, 168D, 168F, 169, 170, 171,  
 172, 173A, 173B, 173C, 173F, 173G, 179A, 179B, 179C, 180,  
 181, 182A, 182B, 182C, 183, 196A, 197A, 201, 202, 203, 204,  
 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216,  
 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228,

229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327A, 327B, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412A, 412B, 412C, 413A, 413B, 414A, 414B, 415A, 415B, 416A, 416B, 417A, 417B, 418, 419, 420A, 420B, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 453, 454A, 454B, 454C, 454D

Tract: 9803.

Block(s): 304, 305, 306, 307, 308, 309, 310, 311, 324, 325, 326, 327, 328, 329, 330, 351, 352, 353, 354, 357, 358, 359, 360

Tract: 9804.

Block(s): 303, 304, 305, 306, 309, 311, 312, 313, 314, 315, 316, 317, 318, 321, 322, 323, 324, 325, 326, 331, 332, 333, 334, 340, 341A, 341B, 419, 420A, 420B, 420C, 420D, 420E, 421, 422, 423A, 423B, 423C, 424A, 424B, 425, 426, 427, 428A, 428B, 428C, 429, 430, 431, 433

#### DOOLY COUNTY

VTD: 0001 VIENNA 535  
 VTD: 0004 DRAYTON 633  
 VTD: 0006 BYROMVILLE 585  
 VTD: 0007 DOOLING 640  
 VTD: 0008 PINEHURST 1479  
 VTD: 0009 UNADILLA 1466  
 VTD: 0010 LILLY 1671

#### DOUGHERTY COUNTY

VTD: 0007 BROAD AVENUE SCHOOL  
 VTD: 0009 WESTTOWN LIBRARY  
 VTD: 0010 RIVERVIEW ACADAMY  
 VTD: 0011 M L KING JR. HIGH SCHOOL  
 VTD: 0012 MONROE HIGH SCHOOL  
 VTD: 0013 FLINTSIDE ELEMENTARY SCH  
 VTD: 0014 CARVER TEEN CENTER  
 VTD: 0015 CARVER JR HIGH GYM  
 VTD: 0016 HIGHLAND AVENUE SCHOOL  
 VTD: 0017 AVALON METHODIST CHURCH  
 VTD: 0018 ALBANY JR. HIGH SCHOOL  
 VTD: 0019 TURNER ELEMENTARY SCHOOL  
 VTD: 0020 JACKSON HEIGHTS ELEM SCH  
 VTD: 0021 BILL MILLER GYM AND ALBANY STATE COL-  
 LEGE  
 VTD: 0022 RAD SPRINGS JR HIGH SCH  
 VTD: 0027 SYLVANDALE ELEMENTARY SCH

#### HOUSTON COUNTY

VTD: 0001 RUMB (Part)  
 Tract: 0205.

Block(s): 217, 218, 219, 220, 236, 237, 238, 239, 240A, 240B,  
241A, 241B, 242, 243, 244, 245, 246

Tract: 0207.

Block(s): 101A, 102, 103, 104, 105, 106, 107, 108, 109, 110,  
111, 301, 302, 303, 304, 305, 306, 308B, 309, 310, 311, 312,  
313, 314, 315, 316, 317, 318, 319, 320, 321, 412, 413, 414,  
415, 416; 417, 418

Tract: 0208.

Block(s): 401, 402

VTD: 0003 MSSH (Part)

Tract: 0201.03

Block(s): 302, 304, 305, 306A, 306B, 308A, 308B, 309, 310,  
311, 312, 313A, 313B, 314, 315, 316, 317, 318, 319

Tract: 0202.

Block(s): 101

Tract: 0203.

Block(s): 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211,  
212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223,  
224, 225, 226, 303, 304, 305, 306, 307, 308, 309, 310, 311,  
312, 313, 314, 401, 402, 403, 404, 405, 406, 407, 408, 409,  
410

Tract: 0204.

Block(s): 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124

VTD: 0004 RECR (Part)

Tract: 0201.03

Block(s): 307A, 307B

Tract: 0203.

Block(s): 102A, 102B, 103, 104, 105, 106, 107, 108, 109, 110,  
111, 112, 113, 114A, 115, 116, 301

Tract: 0204.

Block(s): 101A, 101B, 102, 103, 104, 105, 106, 107, 108, 109,  
110, 111, 112, 113, 126

Tract: 0205.

Block(s): 101A, 101B, 102, 103, 104, 105, 113A, 113B, 114A,  
114B

Tract: 0206.

Block(s): 903, 904

VTD: 0008 NSJH (Part)

Tract: 0201.01

Block(s): 117, 118A, 118B

Tract: 0201.02

Block(s): 224, 225, 226, 301B, 307A, 307B, 307C, 410, 413,  
416, 421, 422A, 422B, 423, 424, 425

VTD: 0012 CENT (Part)

Tract: 0201.01

Block(s): 112A, 112B, 113, 114, 115, 116, 217, 221, 222A, 222B, 223, 313, 314, 401, 402, 403, 404, 405, 406A, 406B, 406C, 407A, 407B, 407C, 408B, 408C, 409, 410, 411A, 411B, 412

Tract: 0201.02

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 204, 205, 210

Tract: 0202.

Block(s): 408

VTD: 0013 ANNEX (Part)

Tract: 0211.01

Block(s): 303

VTD: 0014 N13

VTD: 0015 12TH (Part)

Tract: 0215.02

Block(s): 204, 211, 223, 224, 225, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297

VTD: 0016 TOWN (Part)

Tract: 0212.

Block(s): 304A, 304B, 305, 306, 307, 308, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 501, 502, 503, 504, 505, 506, 507, 509, 535, 536, 537, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 632, 705, 706, 707, 708, 711, 712, 713, 714, 715, 716, 717

Tract: 0213.

Block(s): 118, 119A, 119B, 119C, 120, 121A, 121B, 121C, 122, 123, 124, 125, 126, 127, 128, 129A, 129B, 129C, 130, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302A, 302B, 305, 306, 307, 308, 309A, 309B, 310, 311A, 311B, 311C, 312, 313A, 313B, 313C, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 333, 334, 335, 336, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427A, 427B, 429A, 430A

Tract: 0214.

Block(s): 101A, 101B, 102, 103, 104, 105, 106, 107, 108, 109, 110, 119, 120A, 120B, 121, 403, 404, 405A, 405B, 406A, 406B, 406C, 508, 509, 510, 513

LEE COUNTY

VTD: 0001 CHOKEE

VTD: 0003 LEESBURG (Part)

Tract: 0202.

Block(s): 160, 162, 163, 192, 194, 195, 196

Tract: 0203.

Block(s): 202, 203, 204, 205, 211, 402, 403, 404, 405, 413, 414, 416, 417, 418, 419, 420, 421A, 421B, 422, 423, 425, 426, 427, 428, 429, 431A, 434A, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 473, 474, 485A, 485B, 486, 487, 490, 491, 493, 494, 495, 496, 497, 514, 516, 517, 518, 519, 520, 521, 522, 523, 524, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 548, 549

VTD: 0006 SMITHSVILLE

LOWNDES COUNTY

VTD: 0002 MINEOLA (Part)

Tract: 0102.

Block(s): 416, 460, 463, 464, 465, 466, 473, 474, 484, 488, 489, 490, 491, 492

VTD: 0004 MATHIS AUDITORIUM (Part)

Tract: 0101.

Block(s): 305C, 305D

Tract: 0103.

Block(s): 220A, 223A, 224, 225, 226, 227, 228, 229, 230, 231, 232, 234B, 239, 240

Tract: 0104.

Block(s): 130, 131A, 132A, 132B, 134A, 135A

VTD: 0005 GARDEN CENTER

VTD: 0007 LOMAX-PINEVALE

VTD: 0013 LOWNDES CIVIC CENTER AND FORREST PK CHURCH (Part)

Tract: 0106.

Block(s): 304A, 304B, 305, 306, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417

Tract: 0108.

Block(s): 204B, 207

VTD: 0015 AZALEA CITY CHURCH OF GOD

VTD: 0017 SHILOH FIRE STATION (Part)

Tract: 0102.

Block(s): 457, 458, 459, 493, 494, 495, 496, 497

VTD: 0018 NEW COVENANT CHURCH (Part)

Tract: 0101.

Block(s): 287, 288, 305L, 307, 308

Tract: 0103.

Block(s): 220C, 220D, 220E, 220F, 220G, 223B

Tract: 0104.

Block(s): 131B, 132C, 133, 134B, 135B

VTD: 0019 CRAIG RECREATION CENTER

MERIWETHER COUNTY

VTD: 0002 LUTHERVILLE  
 VTD: 0003 ALVATON-UPPER NINTH  
 VTD: 0004 GAY-MID NINTH  
 VTD: 0005 WOODBURY-LOWER NINTH  
 VTD: 0007 GILL ONE (Part)

Tract: 9705.

Block(s): 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312,  
 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 529, 530,  
 531, 532, 533, 534, 535, 536, 537, 628, 629, 630, 631, 632,  
 633, 634, 635, 638, 639, 640, 641, 646, 647, 732

VTD: 0008 GILL TWO

VTD: 0010 DURAND (Part)

Tract: 9706.

Block(s): 217, 218, 219, 275, 276, 277, 302, 318, 319, 320, 322,  
 323, 324, 326, 327, 328, 329, 330, 335, 348, 349, 351, 352,  
 353, 354, 355, 356, 357, 358, 366, 367, 369, 370, 371, 372,  
 373, 374, 375, 376, 377, 393, 394

VTD: 0012 GREENVILLE-EIGHT

VTD: 0013 RALEIGH (Part)

Tract: 9704.

Block(s): 237, 238, 239, 253, 254, 255, 256, 257

Tract: 9705.

Block(s): 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213,  
 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225,  
 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237,  
 238, 239, 256, 257, 258, 259, 260, 270, 293, 294

Tract: 9706.

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110

#### MUSCOGEE COUNTY

VTD: 0001 COURTHOUSE  
 VTD: 0002 NORTH LUMPKIN  
 VTD: 0003 EDDY  
 VTD: 0004 BAKER  
 VTD: 0005 SAINT MARY S  
 VTD: 0006 WYNNNTON (Part)

Tract: 0023.

Block(s): 120, 121, 122

VTD: 0007 BRITT  
 VTD: 0008 CARVER  
 VTD: 0009 RIGDON  
 VTD: 0010 DIMON  
 VTD: 0011 DAWSON  
 VTD: 0012 WESLEY HEIGHTS (Part)

Tract: 0106.04

Block(s): 311, 315, 319, 320, 321, 323, 324, 325, 326, 327, 349

VTD: 0013 REGENCY HEIGHTS

VTD: 0024 NORTH HIGHLAND (Part)

Tract: 0015.

Block(s): 101, 102, 112, 122, 201, 202, 203, 310

Tract: 0016.

Block(s): 101, 102, 103, 104, 110, 111, 113, 123, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 212, 213, 310, 410, 411, 412, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 601, 602, 603, 604, 606, 615

VTD: 0025 EAST HIGHLAND (Part)

Tract: 0013.

Block(s): 206, 207, 208

Tract: 0014.

Block(s): 301, 302, 303, 304, 305, 307, 309, 310, 311, 312, 313, 401, 402, 403, 404, 405

Tract: 0015.

Block(s): 103, 110, 111, 113, 114, 115, 117, 118, 120, 121, 123, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 301, 302, 303, 304, 305, 306, 307, 308, 309, 312, 313, 314, 315, 316, 317, 323, 324

Tract: 0018.

Block(s): 101, 115, 405, 406, 409, 410, 414

VTD: 0026 SAINT ELMO (Part)

Tract: 0013.

Block(s): 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 201, 202, 203, 204, 205, 209

Tract: 0018.

Block(s): 105

VTD: 0036 3A1 FORT BENNING

VTD: 0037 3A2 FORT BENNING

VTD: 0038 3A3 FORT BENNING

VTD: 0039 3A4 FORT BENNING

VTD: 0040 3A5 FORT BENNING

VTD: 0041 3B FORT BENNING

VTD: 0042 3B1 FORT BENNING

PEACH COUNTY

VTD: 0010 DISTRICT 2 AND CLAUDE AND POWERSVILLE

VTD: 0015 DISTRICT 3

District: 3

FAYETTE COUNTY

COWETA COUNTY

SPALDING COUNTY

PIKE COUNTY

LAMAR COUNTY

MONROE COUNTY

UPSON COUNTY

HARRIS COUNTY  
BALDWIN COUNTY

VTD: 0002 NORTH BALDWIN 318 (Part)

Tract: 9702.

Block(s): 101, 102, 103, 104, 105, 106, 107, 107C, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 201, 202B, 203, 204, 205, 206B, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224A, 224B, 225, 226, 227, 301B, 306, 307, 308, 309, 310, 311, 312A, 312B, 313, 314, 315, 316

Tract: 9703.

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 201B, 202, 203, 204, 205, 206, 207, 208, 209, 210C, 210D, 210E, 211B, 212, 213, 214C, 214D, 214E, 215B, 216B, 218B, 219, 220C, 220D, 220E, 222C, 225B, 226B, 227, 228, 229B

VTD: 0003 WEST BALDWIN 319 (Part)

Tract: 9703.

Block(s): 201C

Tract: 9705.

Block(s): 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 327, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375

VTD: 0006 COOPERS 322

VTD: 0007 NORTH MILLEDGEVILLE 320N (Part)

Tract: 9702.

Block(s): 202A, 206A

Tract: 9703.

Block(s): 201A, 201D, 210A, 210B, 211A, 214A, 214B, 215A, 216A, 217, 218A, 220A, 221, 222A, 222B, 223, 224

VTD: 0013 SCOTTSBORO 1714 (Part)

Tract: 9708.

Block(s): 109, 110, 111, 112, 113, 114, 115, 123B, 127B, 130, 131, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 219, 220, 221, 222, 223, 224, 225, 226, 301, 302

CLAYTON COUNTY

VTD: 0001 ELLENWOOD

VTD: 0002 FOREST PARK 1  
 VTD: 0003 FOREST PARK 2  
 VTD: 0004 FOREST PARK 3  
 VTD: 0005 FOREST PARK 4  
 VTD: 0006 FOREST PARK 5  
 VTD: 0007 JONESBORO 1  
 VTD: 0008 JONESBORO 2  
 VTD: 0009 JONESBORO 3  
 VTD: 0010 JONESBORO 5  
 VTD: 0011 JONESBORO 6  
 VTD: 0012 JONESBORO 7  
 VTD: 0013 JONESBORO 8  
 VTD: 0014 LOVEJOY 1  
 VTD: 0015 LOVEJOY 2  
 VTD: 0016 LOVEJOY 3  
 VTD: 0017 ADAMSON MORROW 1  
 VTD: 0018 ADAMSON MORROW 2 AND FOREST PARK 6  
 VTD: 0019 ADAMSON MORROW 3  
 VTD: 0020 ADAMSON MORROW 4  
 VTD: 0021 ADAMSON MORROW 5  
 VTD: 0023 OAK 1 (Part)

Tract: 0401.

Block(s): 901, 902, 903B, 906, 907, 908, 909, 910, 911, 912

VTD: 0025 PAN HANDLE  
 VTD: 0027 RIVERDALE 2  
 VTD: 0029 RIVERDALE 4  
 VTD: 0030 RIVERDALE 5  
 VTD: 0031 RIVERDALE 6  
 VTD: 0032 RIVERDALE 7  
 VTD: 0038 JONESBORO 4 AND JONESBORO 9  
 VTD: 0039 JONESBORO 10  
 VTD: 0040 JONESBORO 12  
 VTD: 0041 LAKE CITY 1  
 VTD: 0042 JONESBORO 11

#### CRAWFORD COUNTY

VTD: 0003 3  
 VTD: 0004 4  
 VTD: 0005 5  
 VTD: 001A 1A

#### HENRY COUNTY

VTD: 0010 FLIPPEN  
 VTD: 0015 HAMPTON  
 VTD: 0020 HIGHLAND VILLAGE (Part)

Tract: 0701.02

Block(s): 161, 162, 201, 202, 203, 204, 205, 206

Tract: 0701.03

Block(s): 101, 102, 103, 104, 130A, 130C, 132B, 133, 134, 135, 136, 137, 138, 139, 201B, 238B, 239B, 240B, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324B, 325, 326B, 326C, 327, 328, 329, 330, 331, 332, 401, 402, 403, 404, 405B, 406B, 441, 442B, 443B, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 467, 468, 469

Tract: 0702.01

Block(s): 102, 103, 104, 105, 106, 107, 108, 109

VTD: 0025 LOCUST GROVE

VTD: 0035 LOWES

VTD: 0040 MCDONOUGH AND WESTSIDE

VTD: 0055 SHAKERAG

VTD: 0060 SIXTH

VTD: 0065 STOCKBRIDGE

VTD: 0070 SWAN LAKE (Part)

Tract: 0701.02

Block(s): 115, 116, 118, 119, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160

VTD: 0075 TUSSAHAW

#### JONES COUNTY

VTD: 0001 BARRON AND CLINTON (Part)

Tract: 0301.02

Block(s): 108, 111, 113, 114, 115, 116, 124, 125

Tract: 0302.

Block(s): 154, 156, 157, 159, 160, 161, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 256A, 257, 258, 259, 260, 261, 262, 293, 294, 295, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313

Tract: 0303.

Block(s): 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313B, 314B, 316B, 316C, 317B, 318B, 320, 321, 322, 323, 327, 328, 329, 330, 331, 332, 333, 334, 341, 343, 345, 346, 347, 349, 351, 352, 353, 354, 355, 356, 357, 377, 378, 379, 465B

VTD: 0002 FINNEY AND WHITE

VTD: 0003 GRAY

VTD: 0004 POPE

VTD: 0005 ROBERTS (Part)

Tract: 0301.02

Block(s): 201, 202, 203, 214, 215, 216, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313

Tract: 0303.

Block(s): 515, 523, 524, 527, 531, 532, 533, 534, 535, 536, 539,  
540, 541, 542, 543, 547, 548, 554, 555, 556, 557, 558, 559

VTD: 0006 SANDERS

VTD: 0007 DAVIDSON

MERIWETHER COUNTY

VTD: 0001 LONE OAK

VTD: 0006 CHALYBEATE AND LOVE (Part)

Tract: 9705.

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111,  
112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123,  
124, 125, 126, 127, 128, 133, 134, 135, 136, 137, 138, 139,  
140, 141, 142, 143, 144, 145, 146, 147, 148, 149A, 149B, 150,  
151, 152, 153, 154, 155, 156, 201, 202, 240, 241, 242, 243,  
244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255,  
271, 272, 274, 275, 276, 277, 278, 501A, 501B, 502, 503A,  
503B, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514,  
515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526A,  
526B, 527, 528, 538A, 538B, 539A, 539B, 541, 542, 543, 544,  
545, 546, 547

VTD: 0007 GILL ONE (Part)

Tract: 9705.

Block(s): 290A, 290B, 291, 292, 301, 323, 324, 325, 326, 327,  
328, 540, 636, 637, 642, 643, 644, 645, 701A, 701B, 702, 703,  
704A, 704B, 705A, 705B, 706, 707, 708, 709, 710, 711, 712,  
713, 714A, 714B, 715, 716, 717, 718, 719, 720, 721, 722, 723,  
724, 725, 726, 727, 728, 729, 730, 731, 733, 734, 735, 736,  
737, 738, 739

VTD: 0009 WARM SPRINGS

VTD: 0010 DURAND (Part)

Tract: 9706.

Block(s): 312, 313, 314, 315, 316, 317, 331, 332, 333, 334, 336,  
337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 350,  
359, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 395,  
396, 397

VTD: 0011 ODESSADALE-SEVENTH

MUSCOGEE COUNTY

VTD: 0006 WYNNTON (Part)

Tract: 0011.

Block(s): 201, 202, 203, 204, 206, 207, 208, 221

Tract: 0012.

Block(s): 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311,  
312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 401,  
402, 404, 405, 406, 407, 408, 409, 410, 411

Tract: 0023.

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111,  
112, 113, 114, 115, 116, 117, 118, 119

## VTD: 0012 WESLEY HEIGHTS (Part)

Tract: 0106.04

Block(s): 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211,  
212, 213, 214, 215, 216, 218, 219, 220, 221, 222, 223, 224,  
225, 226, 227, 228, 230, 233, 303, 312, 316, 317, 318, 322,  
329, 332, 333, 334, 335, 336, 337, 339, 340, 341, 342, 343,  
344

## VTD: 0014 ROTHSCHILD

## VTD: 0015 EDGEWOOD

## VTD: 0016 GENTIAN

## VTD: 0017 BRITT DAVID

## VTD: 0018 BLANCHARD

## VTD: 0019 REESE ROAD

## VTD: 0020 MORNINGSIDE

## VTD: 0021 MIDLAND

## VTD: 0022 UPATOI

## VTD: 0023 WOOD

## VTD: 0024 NORTH HIGHLAND (Part)

Tract: 0005.

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111,  
112, 113, 201, 202, 203, 204, 205, 207, 208, 209, 210, 213,  
301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312,  
313, 314

Tract: 0006.

Block(s): 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 118,  
119, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213,  
214, 215, 216, 217, 218

Tract: 0016.

Block(s): 105, 106, 108, 109, 211, 301, 302, 303, 304, 305, 306,  
307, 308, 309, 311, 312, 313, 401, 402, 403, 404, 405, 406,  
407, 408, 409, 414

Tract: 0110.

Block(s): 119B, 122

## VTD: 0025 EAST HIGHLAND (Part)

Tract: 0008.

Block(s): 202, 203, 204, 309, 310, 311, 312, 313, 314, 315, 316,  
317, 318, 319, 320, 321

Tract: 0014.

Block(s): 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113,  
114, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211,  
212, 213, 214, 406, 407, 408, 409, 410, 411, 412, 413, 414

Tract: 0015.

Block(s): 104, 105, 106, 107, 108, 109, 124, 125

Tract: 0018.

Block(s): 102, 103, 104, 107, 108, 109, 110, 111, 112, 202, 403,  
404, 407, 408, 411, 412, 413

VTD: 0026 SAINT ELMO (Part)

Tract: 0012.

Block(s): 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 112,  
113, 114, 115, 116, 117, 118, 119, 121, 122, 123, 133, 201,  
203, 204, 205, 206, 208, 209, 210, 211, 212, 213, 214, 215,  
216, 217, 218, 219

Tract: 0013.

Block(s): 101, 210

Tract: 0018.

Block(s): 106, 113, 114, 201

Tract: 0019.

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111,  
112, 113, 114, 115, 116, 117, 132

VTD: 0027 CLUBVIEW

VTD: 0028 BIBB CITY

VTD: 0029 JOHNSON

VTD: 0030 ARNOLD

VTD: 0031 BEALLWOOD

VTD: 0032 DOUBLE CHURCHES

VTD: 0033 FORTSON

VTD: 0034 21A

VTD: 0035 32B

PEACH COUNTY

VTD: 0005 DISTRICT 1

VTD: 0020 BYRON

District: 4

ROCKDALE COUNTY

DEKALB COUNTY

VTD: 0001 ALLGOOD

VTD: 0003 ASHFORD PARK

VTD: 0006 AVONDALE ESTATES

VTD: 0008 BRIAR VISTA

VTD: 0009 BRIARCLIFF NORTH

VTD: 0010 BRIARCLIFF SOUTH

VTD: 0011 BRIARLAKE

VTD: 0012 BRIARWOOD

VTD: 0013 BROCKETT

VTD: 0014 CALLANWOLDE

VTD: 0017 CARRIAGE CLUSTER AND WOODRIDGE

VTD: 0020 CHAMBLEE NORTH

VTD: 0021 CHAMBLEE SOUTH

VTD: 0024 CLAIREMONT

VTD: 0025 CLAIRMONT HILLS

VTD: 0028 CORALWOOD

VTD: 0030 CROSS KEYS

VTD: 0032 DORAVILLE NORTH  
VTD: 0033 DORAVILLE SOUTH  
VTD: 0034 DRESDEN  
VTD: 0035 DRUID HILLS AND MARY LIN  
VTD: 0036 DUNAIRE  
VTD: 0040 EMBRY HILLS  
VTD: 0041 EMORY  
VTD: 0042 EPWORTH  
VTD: 0043 EVANSDALE  
VTD: 0045 FERNBANK  
VTD: 0047 FORREST HILLS  
VTD: 0048 GLENNWOOD  
VTD: 0051 HAMBRICK  
VTD: 0052 HAWTHORNE  
VTD: 0053 HENDERSON MILL  
VTD: 0054 HERITAGE  
VTD: 0056 HUGH HOWELL  
VTD: 0058 IDLEWOOD  
VTD: 0061 JOHNSON ESTATES  
VTD: 0062 JOLLY  
VTD: 0067 LAKESIDE  
VTD: 0068 LAUREL RIDGE  
VTD: 0069 LAVISTA AND LIVSEY  
VTD: 0072 MAINSTREET NORTH  
VTD: 0073 MAINSTREET SOUTH  
VTD: 0074 MARGARET HARRIS  
VTD: 0076 MCLENDON  
VTD: 0079 MEDLOCK  
VTD: 0080 MEMORIAL NORTH  
VTD: 0081 MEMORIAL SOUTH  
VTD: 0086 MONTCLAIR  
VTD: 0087 MONTREAL  
VTD: 0091 NORTH DECATUR  
VTD: 0092 NORTHLAKE  
VTD: 0093 NORTHWOODS  
VTD: 0094 OAK GROVE  
VTD: 0095 OAKCLIFF  
VTD: 00AC PINE LAKE  
VTD: 00AD PLEASANTDALE  
VTD: 00AE PONCE DE LEON  
VTD: 00AK REHOBOTH  
VTD: 00AL ROCKBRIDGE  
VTD: 00AM ROCK CHAPEL  
VTD: 00AQ ROWLAND ROAD  
VTD: 00AR SAGAMORE  
VTD: 00AU SCOTT

VTD: 00AX SILVER HILL  
VTD: 00AY SILVER LAKE  
VTD: 00BA SKYLAND  
VTD: 00BB SMOKE RISE  
VTD: 00BD SOUTH DECATUR  
VTD: 00BF STONE MILL  
VTD: 00BG STONE MOUNTAIN  
VTD: 00BP TUCKER  
VTD: 00BU WARREN  
VTD: 00BW WESLEY WOODS  
VTD: 00BX WESTCHESTER  
VTD: 00CB WINNONA

## FULTON COUNTY

VTD: 0077 6A  
VTD: 0079 6C  
VTD: 0080 6D  
VTD: 0081 6E

## GWINNETT COUNTY

VTD: 0002 1295B  
VTD: 0003 405A  
VTD: 0004 405B  
VTD: 0005 405C  
VTD: 0006 405D  
VTD: 0007 405E  
VTD: 0008 405F  
VTD: 0009 405G  
VTD: 0010 408A  
VTD: 0011 408B  
VTD: 0012 408C  
VTD: 0013 408D  
VTD: 0014 408E  
VTD: 0015 408F  
VTD: 0016 408G  
VTD: 0019 1263B  
VTD: 0021 1578A  
VTD: 0022 1578B  
VTD: 0023 1578C  
VTD: 0028 407A  
VTD: 0029 407B  
VTD: 0031 544A  
VTD: 0032 544B  
VTD: 0033 544C  
VTD: 0034 406A  
VTD: 0035 406B  
VTD: 0037 406D  
VTD: 0039 406F

VTD: 0040 406G  
 VTD: 0042 406I  
 VTD: 0043 406J  
 VTD: 0045 571A  
 VTD: 0050 405H  
 VTD: 0051 408H  
 VTD: 0053 1263D  
 VTD: 0054 1578D  
 VTD: 0056 407E  
 VTD: 0057 406K  
 VTD: 0060 406N  
 VTD: 0061 406O  
 VTD: 0064 405I  
 VTD: 0065 408I  
 VTD: 0066 408J  
 VTD: 0068 407F (Part)  
   Tract: 0505.08  
     Block(s): 801A, 801B, 801C, 801D, 801E, 801F, 802, 803, 804,  
       805, 806, 807, 808, 809, 810, 811, 812, 813  
   Tract: 0505.09  
     Block(s): 101A, 101B, 101C, 101D, 102, 103, 104, 105, 106,  
       107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117A, 117B,  
       117C, 118, 119A, 119B, 119C, 120A, 120B, 121, 301, 302,  
       303, 304, 305, 306, 307, 308, 309, 310, 402, 403, 501, 502,  
       503, 601A, 601B, 601C, 602A, 602B, 603  
   Tract: 0507.05  
     Block(s): 120, 121, 162A, 162B, 163  
 VTD: 0069 544E  
 VTD: 0070 406P  
 VTD: 0071 406Q  
 VTD: 0072 571C  
 VTD: 0073 408K  
 VTD: 0074 404C  
 VTD: 0075 406R  
 VTD: 0076 571D  
 VTD: 0077 571B  
 VTD: 0078 544D

District: 5

## CLAYTON COUNTY

VTD: 0023 OAK 1 (Part)

Tract: 0401.

    Block(s): 301, 302, 303, 304A, 304B, 309, 401A, 401B, 402,  
       403, 404A, 404B, 404C, 405, 406, 407, 408, 411, 412, 501,  
       502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513,  
       515, 516, 522, 701, 702, 703, 704, 705, 706, 707, 708, 709,

710, 711, 712, 713, 714, 715, 716, 903A, 904, 905, 913, 914,  
915, 916, 917, 918

VTD: 0024 OAK 2 AND OAK 3

VTD: 0026 RIVERDALE 1

VTD: 0028 RIVERDALE 3

VTD: 0033 RIVERDALE 8

COBB COUNTY

VTD: 0046 HOWELLS 1

VTD: 0047 HOWELLS 2

DEKALB COUNTY

VTD: 0038 EAST LAKE

VTD: 0049 GORDON

VTD: 0065 KIRKWOOD

VTD: 0088 MORELAND

VTD: 00AA PETERSON

VTD: 00BM TOOMER

VTD: 00BY WHITEFOORD NORTH

VTD: 00CA WHITEFOORD SOUTH

FULTON COUNTY

VTD: 0001 1A

VTD: 0002 1B

VTD: 0003 1C

VTD: 0004 1D

VTD: 0005 1E

VTD: 0008 1J

VTD: 0010 1L

VTD: 0011 1M

VTD: 0013 1P

VTD: 0014 1R

VTD: 0015 1S

VTD: 0016 2A

VTD: 0017 2B

VTD: 0018 2C

VTD: 0019 2D

VTD: 0020 2E

VTD: 0023 2H

VTD: 0024 2J

VTD: 0025 2K

VTD: 0026 2L

VTD: 0030 2R

VTD: 0031 2S

VTD: 0035 2W

VTD: 0038 2Z

VTD: 0039 3A

VTD: 0040 3B

VTD: 0041 3C

VTD: 0042 3D  
VTD: 0043 3E  
VTD: 0044 3F  
VTD: 0045 3G  
VTD: 0046 3H  
VTD: 0047 3J  
VTD: 0048 3K  
VTD: 0049 3L  
VTD: 0050 3M  
VTD: 0051 3N  
VTD: 0052 3P  
VTD: 0053 3R  
VTD: 0055 4A  
VTD: 0056 4B  
VTD: 0057 4C  
VTD: 0058 4D  
VTD: 0059 4E  
VTD: 0061 4G  
VTD: 0062 4H  
VTD: 0064 4K  
VTD: 0065 4L  
VTD: 0066 4M  
VTD: 0067 4N  
VTD: 0069 4R  
VTD: 0070 4S  
VTD: 0071 4T  
VTD: 0073 5A  
VTD: 0074 5B  
VTD: 0076 5K  
VTD: 0078 6B  
VTD: 0082 6F  
VTD: 0083 6G  
VTD: 0084 6H  
VTD: 0085 6J  
VTD: 0086 6K  
VTD: 0087 6N  
VTD: 0089 7A  
VTD: 0090 7B  
VTD: 0091 7C  
VTD: 0092 7D  
VTD: 0094 7F  
VTD: 0096 7H  
VTD: 0097 7J  
VTD: 0098 7K  
VTD: 0099 7L  
VTD: 00A1 7M

VTD: 00A2 7N  
VTD: 00A3 7P  
VTD: 00A4 7R  
VTD: 00A5 7S  
VTD: 00A8 8A  
VTD: 00A9 8B  
VTD: 00B1 8C  
VTD: 00B2 8D  
VTD: 00B3 8E  
VTD: 00B4 8F  
VTD: 00B5 8G  
VTD: 00B6 8H  
VTD: 00B7 8J  
VTD: 00B8 8K  
VTD: 00B9 8L  
VTD: 00C1 8M  
VTD: 00C2 8N  
VTD: 00C3 8P  
VTD: 00C4 8R  
VTD: 00C7 8V  
VTD: 00C9 9A  
VTD: 00D1 9B  
VTD: 00D2 9C  
VTD: 00D3 9D  
VTD: 00D4 9E  
VTD: 00D5 9F  
VTD: 00D7 9H  
VTD: 00E1 9L  
VTD: 00E3 9N  
VTD: 00E4 9P  
VTD: 00E6 9S  
VTD: 00E7 10A  
VTD: 00E8 10B  
VTD: 00E9 10C  
VTD: 00F1 10D  
VTD: 00F2 10E  
VTD: 00F3 10F  
VTD: 00F4 10G  
VTD: 00F5 10H  
VTD: 00F6 10J  
VTD: 00F7 10K  
VTD: 00F8 10L  
VTD: 00F9 10M  
VTD: 00G1 10N  
VTD: 00G2 11A  
VTD: 00G3 11B

VTD: 00G4 11C  
VTD: 00G5 11D  
VTD: 00G6 11E  
VTD: 00G8 11G  
VTD: 00G9 11H  
VTD: 00H1 11J  
VTD: 00H2 11K  
VTD: 00H3 11L  
VTD: 00H4 11M  
VTD: 00H5 11N  
VTD: 00H6 11P  
VTD: 00H7 11R  
VTD: 00H9 12A  
VTD: 00J1 12B  
VTD: 00J2 12C  
VTD: 00J3 12D  
VTD: 00J4 12E  
VTD: 00J5 12F  
VTD: 00J6 12G  
VTD: 00J7 12H  
VTD: 00J8 12J  
VTD: 00J9 12K  
VTD: 00K1 12L  
VTD: 00K2 12M  
VTD: 00K3 12N  
VTD: 00K4 12P  
VTD: 00K6 CP01  
VTD: 00K7 CP02  
VTD: 00K8 CP03  
VTD: 00L1 CP05  
VTD: 00L2 CP06  
VTD: 00L6 EP01  
VTD: 00L7 EP02  
VTD: 00L8 EP03  
VTD: 00M1 EP05  
VTD: 00M2 EP06  
VTD: 00M3 EP07  
VTD: 00M5 EP09  
VTD: 00M6 EP10  
VTD: 00M7 EP11  
VTD: 00M8 EP12  
VTD: 00N1 EP14  
VTD: 00N2 EP15  
VTD: 00N3 FA01  
VTD: 00N4 HP01  
VTD: 00N5 HP02

VTD: 00R1 PA01  
VTD: 00T1 SC08  
VTD: 00T2 SC09  
VTD: 00T3 SC10  
VTD: 00T4 SC11  
VTD: 00T5 SC12  
VTD: 00T6 SC13  
VTD: 00T7 SC14  
VTD: 00T9 SC16  
VTD: 00U1 SC17  
VTD: 00U3 SC19  
VTD: 00U5 SC21  
VTD: 00U8 SS02  
VTD: 00U9 SS03  
VTD: 00V1 SS04  
VTD: 00V2 SS05  
VTD: 00V3 SS06  
VTD: 00V4 SS07  
VTD: 00V5 SS08  
VTD: 00V6 SS09  
VTD: 00V7 SS10  
VTD: 00V8 SS11  
VTD: 00V9 SS12  
VTD: 00W1 SS13  
VTD: 00W2 SS14  
VTD: 00W4 SS16  
VTD: 00W5 SS18  
VTD: 00W6 SS19  
VTD: 00W7 SS20  
VTD: 00W8 SS21  
VTD: 00X1 UC01  
VTD: 00X2 UC02  
VTD: 00X5 SS23  
VTD: 00X7 9T  
VTD: 00Y3 SC01  
VTD: 00Y4 SC02  
VTD: 00Y5 SC03  
VTD: 00Y6 SC04  
VTD: 00Y7 SC05  
VTD: 00Y9 SC07

District: 6

CHEROKEE COUNTY

VTD: 0002 BELLS  
VTD: 0009 HICKORY FLAT  
VTD: 0010 LICK SKILLET

VTD: 0011 LITTLE RIVER

VTD: 0016 WOODSTOCK

COBB COUNTY

VTD: 0001 ACWORTH

VTD: 0003 BELLS FERRY 1

VTD: 0004 BELLS FERRY 2

VTD: 0005 BELLS FERRY 3

VTD: 0006 BIG SHANTY 1

VTD: 0007 BIG SHANTY 2

VTD: 0008 BIG SHANTY 3

VTD: 0010 BISHOP LAKE

VTD: 0011 CHATTAHOOCHEE 1

VTD: 0012 CHATTAHOOCHEE 2

VTD: 0013 CHEATHAM HILL 1

VTD: 0014 CHESTNUT RIDGE

VTD: 0016 DICKERSON

VTD: 0017 DOBBINS 1

VTD: 0018 DOBBINS 2 (Part)

Tract: 0303.21

Block(s): 302B, 303, 304, 305, 306, 307, 308, 309, 310, 311,  
403B, 403C, 403D

Tract: 0304.04

Block(s): 101E, 102B, 103B, 104, 105, 301B, 401C, 401D, 401E,  
503B, 504, 601B, 603B

Tract: 0304.06

Block(s): 101C, 101D, 101E, 101F, 101G, 301B, 301C, 401C,  
401D, 401E, 401F, 501D

Tract: 0305.03

Block(s): 208B

Tract: 0310.01

Block(s): 910L, 925B, 925C

Tract: 0311.08

Block(s): 102H, 102J, 202B, 209B, 303B, 310B, 311, 312, 313B,  
313C, 314B, 316, 317, 318, 320B, 321B, 322, 401D, 401E,  
403, 404B, 405A, 405C, 406, 407, 408, 409B, 411D

VTD: 0019 DODGEN

VTD: 0020 DUE WEST

VTD: 0021 EASTSIDE

VTD: 0022 ELIZABETH 1 (Part)

Tract: 0305.01

Block(s): 901B, 902B, 902C, 903B, 904, 905C, 905D, 908B, 909

Tract: 0305.02

Block(s): 601C

Tract: 0305.03

Block(s): 108B

Tract: 0306.

Block(s): 506B, 601, 602, 603, 701, 702, 703B, 704B, 705B,  
 706C, 707, 708B, 708C, 708D, 708E, 708F, 709, 710, 711B,  
 711C, 711D, 712, 713B  
 VTD: 0023 ELIZABETH 2  
 VTD: 0024 ELIZABETH 3  
 VTD: 0025 ELIZABETH 4  
 VTD: 0026 ELIZABETH 5 AND SEWELL MILL 1  
 VTD: 0033 FULLERS 1 AND FULLERS 2  
 VTD: 0035 FULLERS 3  
 VTD: 0036 FULLERS 4  
 VTD: 0037 FULLERS 5  
 VTD: 0038 GARRISON MILL  
 VTD: 0039 GRITTERS 1  
 VTD: 0040 GRITTERS 2  
 VTD: 0041 GRITTERS 3  
 VTD: 0042 GRITTERS 4  
 VTD: 0043 GRITTERS 5  
 VTD: 0044 GRITTERS 6  
 VTD: 0045 GRITTERS 7  
 VTD: 0049 KENNESAW 1  
 VTD: 0050 KENNESAW 2  
 VTD: 0051 LOST MOUNTAIN  
 VTD: 0057 MARIETTA 1 (Part)  
   Tract: 0303.21  
     Block(s): 302A, 402A, 403A  
   Tract: 0304.04  
     Block(s): 101A, 101B  
   Tract: 0304.06  
     Block(s): 101A, 101B, 102A, 301A, 401A, 401B, 402A, 402B,  
       501A, 501B, 501C  
   Tract: 0310.01  
     Block(s): 911, 912  
   Tract: 0311.09  
     Block(s): 101A, 101C  
 VTD: 0060 MARIETTA 4 (Part)  
   Tract: 0302.07  
     Block(s): 108A, 113B, 113C, 113D, 114A, 115A, 115B, 801A,  
       802A  
   Tract: 0305.01  
     Block(s): 908A  
   Tract: 0306.  
     Block(s): 703A, 704A, 705A, 706A, 708A, 708G  
 VTD: 0061 MARIETTA 5 (Part)  
   Tract: 0305.01  
     Block(s): 301A, 307A, 308A, 601A, 601E, 602A, 602B, 602C,  
       602D, 602E, 604A, 604B, 604C, 605A, 605B, 606A, 606B,

- 701A, 710A, 711A, 712, 717A, 718A, 901A, 902A, 903A,  
905A, 905B, 906, 907  
Tract: 0305.02  
Block(s): 114A, 201A, 201E, 202A, 202B, 302A, 303A, 303B,  
304A, 305A, 311, 312, 313, 314, 315, 316A, 601A, 601B, 603,  
604, 605, 606, 607A, 607B  
Tract: 0306.  
Block(s): 706B, 711A, 713A  
VTD: 0062 MARIETTA 6 (Part)  
Tract: 0304.01  
Block(s): 901A, 906A, 907A, 919A, 920A, 920D  
Tract: 0304.02  
Block(s): 601A, 604A, 615A  
Tract: 0304.04  
Block(s): 301A, 302  
Tract: 0304.05  
Block(s): 101, 102, 103, 104, 201, 202, 203A, 203B, 204, 205A,  
401A, 402A, 601A, 602A, 603A, 603B, 701A, 704A, 801,  
802, 803  
Tract: 0305.02  
Block(s): 112A, 114B, 305B, 317A, 318A  
Tract: 0305.03  
Block(s): 101, 102, 103, 104, 105, 106, 107, 108A, 109, 110,  
111, 112, 202A, 205A, 207, 208A, 209, 210, 211, 212, 213,  
214, 215, 216, 302A, 307A, 307B, 308A, 309A, 309B, 314A,  
315A, 315B, 316A, 316B, 317, 318A, 402A, 403, 406A, 407,  
408, 409, 410, 411A, 412A, 413A, 414, 415, 416, 417, 418,  
419A, 501A, 502A, 502B, 503A, 601, 602, 603, 604  
VTD: 0063 MARIETTA 7 (Part)  
Tract: 0304.04  
Block(s): 101C, 101D, 102A, 103A, 201, 202, 303, 401A, 401B,  
402, 403, 404, 405, 501, 502, 503A, 601A, 602, 603A, 604,  
701, 702, 703, 704, 801  
Tract: 0304.05  
Block(s): 401B, 406A, 407B, 408, 410  
Tract: 0304.06  
Block(s): 602A, 602B, 602D, 701A, 801A  
VTD: 0064 MARS HILL 1  
VTD: 0065 MARS HILL 2  
VTD: 0066 MARS HILL 3  
VTD: 0067 MT. BETHEL 1  
VTD: 0068 MT. BETHEL 2  
VTD: 0069 MT. BETHEL 3  
VTD: 0071 NORTON PARK 1  
VTD: 0072 NORTON PARK 2  
VTD: 0073 OAKDALE 1

VTD: 0074 OAKDALE 2  
 VTD: 0075 OREGON 1  
 VTD: 0079 PARKAIRE  
 VTD: 0081 POST OAK 1  
 VTD: 0082 POST OAK 2 AND POST OAK 9  
 VTD: 0083 POST OAK 3  
 VTD: 0084 POST OAK 4  
 VTD: 0085 POST OAK 5  
 VTD: 0086 POST OAK 6  
 VTD: 0087 POST OAK 8  
 VTD: 0090 RED ROCK  
 VTD: 0092 SEWELL MILL 2  
 VTD: 0093 SEWELL MILL 3 AND SEWELL MILL 4  
 VTD: 0095 SMYRNA 1  
 VTD: 0096 SMYRNA 2  
 VTD: 0097 SMYRNA 3  
 VTD: 0098 SMYRNA 4  
 VTD: 0099 SMYRNA 5  
 VTD: 00A1 SMYRNA 6 (Part)  
     Tract: 0310.01  
         Block(s): 210, 216C, 216D, 228B  
     Tract: 0310.02  
         Block(s): 120A  
     Tract: 0310.03  
         Block(s): 110A, 112A, 113A  
     Tract: 0311.01  
         Block(s): 101A, 105, 106A, 107, 108, 109, 110, 111, 112, 113,  
                 114, 115, 116, 117, 118, 119, 121A, 122A, 302, 303, 311, 312,  
                 313, 314, 315  
     Tract: 0311.05  
         Block(s): 101, 102  
     Tract: 0311.08  
         Block(s): 303A, 308, 310A, 319  
 VTD: 00A2 SMYRNA 7  
 VTD: 00A3 SOPE CREEK 1  
 VTD: 00A4 SOPE CREEK 2  
 VTD: 00A5 SOPE CREEK 3  
 VTD: 00A9 VININGS 1  
 VTD: 00B1 VININGS 2  
 VTD: 00B2 VININGS 3  
 VTD: 00B3 GRITTERS 8  
 VTD: 00B4 GRITTERS 11  
 VTD: 00B5 GRITTERS 10  
 VTD: 00B6 KEMP  
 VTD: 00B7 GRITTERS 9  
 VTD: 00B8 CHEATHAM HILL 2 (Part)

Tract: 0302.07

Block(s): 115D, 801B, 801C, 802B, 803, 804, 805, 806, 807,  
808, 814, 815, 816, 817, 818, 819, 820, 821, 822, 824, 825,  
826

VTD: 00C1 OREGON 5

DEKALB COUNTY

VTD: 0002 ASHFORD DUNWOODY

VTD: 0005 AUSTIN

VTD: 0023 CHESTNUT

VTD: 0037 DUNWOODY

VTD: 0057 HUNTLEY HILLS

VTD: 0064 KINGSLEY

VTD: 0089 MT VERNON

VTD: 0090 NANCY CREEK

VTD: 0099 PEACHTREE

VTD: 00AW SHALLOWFORD

VTD: 00BQ VANDERLYN

VTD: 00BR VERMACK

FULTON COUNTY

VTD: 00K5 AP01

VTD: 00N7 MP01

VTD: 00N8 NC01

VTD: 00N9 NC02

VTD: 00P1 NC03

VTD: 00P2 NC04

VTD: 00P3 NC05

VTD: 00P4 NC06

VTD: 00P5 NC07

VTD: 00P6 NC08

VTD: 00P7 NC09

VTD: 00P9 NC11

VTD: 00R2 RW01

VTD: 00R3 RW02

VTD: 00R4 RW03

VTD: 00R5 RW04

VTD: 00R7 RW05

VTD: 00R8 RW06

VTD: 00R9 RW07

VTD: 00U7 SS01

VTD: 00W3 SS15

VTD: 00W9 SS22

VTD: 00X3 AP02

VTD: 00X6 SS17

VTD: 00Y2 RW09

GWINNETT COUNTY

VTD: 0018 1263A

VTD: 0024 404A  
 VTD: 0030 407C  
 VTD: 0036 406C  
 VTD: 0038 406E  
 VTD: 0041 406H  
 VTD: 0049 1604  
 VTD: 0052 1263C  
 VTD: 0055 407D  
 VTD: 0058 406L  
 VTD: 0059 406M  
 VTD: 0067 404B

District: 7

CHATTOOGA COUNTY  
 FLOYD COUNTY  
 BARTOW COUNTY  
 POLK COUNTY  
 PAULDING COUNTY  
 HARALSON COUNTY  
 CARROLL COUNTY  
 DOUGLAS COUNTY  
 HEARD COUNTY  
 TROUP COUNTY  
 COBB COUNTY

VTD: 0002 AUSTELL

VTD: 0009 BIRNEY 1

VTD: 0015 CLARKDALE

VTD: 0018 DOBBINS 2 (Part)

Tract: 0304.06

Block(s): 102B

Tract: 0308.

Block(s): 208, 209C, 209D, 215B, 312B, 312C, 318B

Tract: 0310.01

Block(s): 901, 902, 903, 904, 905, 906, 907A, 907B, 908B,  
 909A, 909B, 910C, 910E, 910F, 910G, 910H, 910J, 910K,  
 910M, 910N, 910P, 913, 914, 915A, 915B, 915C, 915D, 916,  
 917, 918, 919A, 919B, 920, 921, 922, 923, 924A, 924B, 924C

Tract: 0311.08

Block(s): 301, 302, 305, 306, 307, 309, 404A

VTD: 0022 ELIZABETH 1 (Part)

Tract: 0306.

Block(s): 101B, 102B, 103B, 104B, 105, 106B, 106C, 107, 109B,  
 114, 115B, 115C, 118B, 118C, 119B, 119C, 120B, 121, 122B,  
 124B, 125B, 127B, 132B, 132C, 201B, 202, 203, 217, 308B,  
 308C, 325B, 405C, 417B, 419B, 420B, 421B, 422B, 423B,  
 424F, 424G, 424H, 424J, 424K, 424L, 424M, 425B, 425C,

501A, 501C, 501D, 501E, 502B, 604, 605, 606C, 606D, 606E,  
607B, 607C, 609, 901C, 901D, 902B, 902C, 902D, 902E,  
917E

VTD: 0027 FAIR OAKS 1

VTD: 0028 FAIR OAKS 2

VTD: 0029 FAIR OAKS 3

VTD: 0030 FAIR OAKS 4

VTD: 0031 FAIR OAKS 5

VTD: 0032 FAIR OAKS 6 (Part)

Tract: 0306.

Block(s): 108B, 109C, 110C, 113B, 128B

Tract: 0307.

Block(s): 118C

Tract: 0308.

Block(s): 206B

Tract: 0309.02

Block(s): 123A, 201, 202A, 203A, 204, 205, 206A, 207A, 209,  
210, 211, 212, 213, 303, 304, 305, 306, 307, 402B, 402C,  
402D, 701B, 701C

Tract: 0309.03

Block(s): 101D, 102, 201B, 202B, 202C, 202D

Tract: 0310.02

Block(s): 101, 102, 209A, 210C, 213B, 213C, 213D, 224A

VTD: 0048 HOWELLS 3

VTD: 0052 MABLETON 1

VTD: 0053 MABLETON 2

VTD: 0054 MABLETON 3

VTD: 0055 MABLETON 4

VTD: 0056 MACLAND

VTD: 0057 MARIETTA 1 (Part)

Tract: 0307.

Block(s): 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212,  
213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224,  
225, 301, 302, 303, 304, 309, 310, 314, 315, 318, 321, 322,  
323

Tract: 0308.

Block(s): 206A, 207, 209A, 209B, 210, 211, 214, 215A, 216,  
217, 302, 303, 304, 305, 306, 307, 308, 404, 405, 406, 407,  
408, 411, 412, 413, 501, 511, 601, 602, 603, 604, 605, 606,  
607, 608, 611, 701, 702, 703, 704, 705, 706, 707, 712, 713,  
801, 802, 807, 808

Tract: 0310.01

Block(s): 908A, 910A, 910B

Tract: 0311.09

Block(s): 501, 502, 503A, 504, 505

VTD: 0058 MARIETTA 2A

VTD: 0059 MARIETTA 3

VTD: 0060 MARIETTA 4 (Part)

Tract: 0302.07

Block(s): 823A

Tract: 0305.02

Block(s): 602

Tract: 0306.

Block(s): 101A, 102A, 103A, 104A, 106A, 108A, 109A, 110A, 110B, 111, 112, 113A, 115A, 116, 117, 118A, 119A, 120A, 122A, 123, 124A, 125A, 126, 127A, 128A, 132A, 201A, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 218, 220, 221, 225, 226, 318, 319, 320, 321, 322, 402, 404, 405A, 405B, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417A, 418, 419A, 420A, 421A, 422A, 423A, 424A, 424B, 424C, 424D, 424E, 425A, 426, 501B, 502A, 503, 504, 505, 506A, 606A, 606B, 607A, 608, 901A, 901B, 902A, 903, 904, 905, 917A, 917B, 917C, 917D, 919

Tract: 0307.

Block(s): 402, 403, 404, 405, 406, 407B, 412, 416, 417, 420, 421, 501, 503, 504, 505, 506, 507, 508, 509, 510, 518, 519

Tract: 0309.01

Block(s): 301A, 302, 303, 304

VTD: 0061 MARIETTA 5 (Part)

Tract: 0307.

Block(s): 101, 102, 103, 104, 105, 108, 111, 112, 113, 114, 115, 116, 118A, 118B, 119, 120, 121, 122, 123, 312, 313, 316; 317, 502, 511, 512, 513, 514, 515, 516, 517, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715

VTD: 0062 MARIETTA 6 (Part)

Tract: 0307.

Block(s): 106, 107, 109, 201

VTD: 0063 MARIETTA 7 (Part)

Tract: 0308.

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 201, 202, 203, 204, 205, 806, 809

VTD: 0070 MT. HARMONY

VTD: 0076 OREGON 2

VTD: 0077 OREGON 3

VTD: 0078 OREGON 4

VTD: 0080 PEBBLEBROOK

VTD: 0089 POWDER SPRINGS

VTD: 00A1 SMYRNA 6 (Part)

Tract: 0311.08

Block(s): 304

VTD: 00A6 SWEETWATER 1

VTD: 00A7 SWEETWATER 2  
 VTD: 00A8 SWEETWATER 3  
 VTD: 00B8 CHEATHAM HILL 2 (Part)  
   Tract: 0302.07  
   Block(s): 823B  
 VTD: 00B9 MARIETTA 2B  
 VTD: 00C2 BIRNEY 2

District: 8

JOHNSON COUNTY  
 LAURENS COUNTY  
 BLECKLEY COUNTY  
 TREUTLEN COUNTY  
 DODGE COUNTY  
 PULASKI COUNTY  
 WHEELER COUNTY  
 TELFAIR COUNTY  
 WILCOX COUNTY  
 JEFF DAVIS COUNTY  
 TURNER COUNTY  
 BEN HILL COUNTY  
 WORTH COUNTY  
 COFFEE COUNTY  
 IRWIN COUNTY  
 TIFT COUNTY  
 BERRIEN COUNTY  
 ATKINSON COUNTY  
 COOK COUNTY  
 CLINCH COUNTY  
 LANIER COUNTY  
 ECHOLS COUNTY  
 BIBB COUNTY

VTD: 0007 EM07  
 VTD: 0009 EM09  
 VTD: 0014 GODFREY 05  
 VTD: 0015 GODFREY 06  
 VTD: 0017 GODFREY 08  
 VTD: 0018 GODFREY 09  
 VTD: 0020 HAZARD 06  
 VTD: 0021 HAZARD 03  
 VTD: 0024 HO 01  
 VTD: 0025 HO 02  
 VTD: 0026 HO 03  
 VTD: 0027 HO 04  
 VTD: 0028 HO 05  
 VTD: 0029 HO 06

VTD: 0030 HO 07  
 VTD: 0031 HO 08  
 VTD: 0032 RUTLAND 01  
 VTD: 0033 RUTLAND 02 (Part)

Tract: 0130.

Block(s): 283B, 291

Tract: 0135.01

Block(s): 401, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420,  
 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512,  
 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523

Tract: 0135.02

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111,  
 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123,  
 124, 125, 126, 127, 129, 130, 133, 134, 135, 136, 137, 205,  
 206, 207, 208, 209, 210, 211, 212, 303, 305, 306, 307, 308

VTD: 0039 VINEVILLE 06

VTD: 0040 VINEVILLE 07 (Part)

Tract: 0102.

Block(s): 115, 207, 208, 209, 210, 211, 212, 214, 304, 401, 402,  
 403, 404, 405, 406, 407, 408, 409

VTD: 0041 VINEVILLE 08 (Part)

Tract: 0110.

Block(s): 318, 319

Tract: 0119.

Block(s): 101, 102, 103, 112, 113, 201B, 202, 203, 204, 205,  
 206, 207, 208, 209, 210, 211, 212; 213, 214, 215, 216, 217,  
 218, 219, 220, 221, 222, 301, 302, 303, 304, 305, 306, 307,  
 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319

VTD: 0042 VINEVILLE 09

VTD: 0045 WA 01

VTD: 0046 WA 02

VTD: 0047 HAZARD 02

VTD: 0048 HAZARD 04

#### COLQUITT COUNTY

VTD: 0001 BRIDGE CREEK (Part)

Tract: 9709.

Block(s): 224, 263, 264, 275, 301B, 317, 318, 319, 320, 322,  
 323, 324, 325A, 325C, 326, 327, 328, 329, 330, 401, 402, 403,  
 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415,  
 416, 417, 418A, 418B, 418C, 418D, 419, 420, 459, 460, 461,  
 462

VTD: 0002 CROSLAND

VTD: 0003 DOERUN

VTD: 0004 FUNSTON (Part)

Tract: 9709.

Block(s): 101, 102, 103A, 103B, 104A, 104B, 105, 106, 107, 108, 109, 118, 119, 120, 121, 122, 123A, 123B, 124, 125, 126, 127A, 127B, 128, 129B, 130, 132, 133, 308A, 309, 310, 311, 312, 313, 314A

VTD: 0005 HAMILTON

VTD: 0007 LEE

VTD: 0008 MILL CREEK

VTD: 0009 MONK

VTD: 0010 MOULTRIE (Part)

Tract: 9703.

Block(s): 215A, 215B

Tract: 9704.

Block(s): 107A, 108A, 108B, 109A, 110A, 111, 112, 119, 120, 121, 126, 127, 136A, 138A, 139, 140, 141, 142, 143, 201A, 203A, 204, 205, 206, 207, 208, 209, 210, 211, 232, 233, 234, 235A, 236A, 237A, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 335A, 337, 340, 341, 342

Tract: 9706.

Block(s): 102A, 104A, 104B, 105A, 106A, 108A, 108C, 116A, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126A, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139A, 139B, 301, 302A, 302B, 304, 305, 306A, 307A, 308A, 314A, 315A, 316, 317, 318, 322A

Tract: 9707.

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121A, 121B, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131A, 131B, 132, 133, 134, 135, 136, 137, 138, 139, 201, 202, 203, 204, 217, 218, 219, 220, 230, 231, 232, 233, 234, 235, 243, 244, 245, 246, 247, 248, 249, 257, 258, 308, 309, 310, 311, 312, 313, 330, 331, 335, 336, 337, 338, 339, 340, 341, 342, 343, 401, 402A, 402B, 403A, 403B, 404A, 404B, 405, 406A, 406B, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419A, 419B, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 501A, 502, 503, 505, 506, 509A, 510A, 511A, 512A, 513A, 513B, 513C, 514, 515, 516A, 517A, 518A, 519, 520A, 521A, 522A, 537, 538A, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622A, 622B, 623A, 623B, 624, 625A, 626A, 627, 628, 629, 630

Tract: 9708.

Block(s): 131, 132, 133, 201, 202, 203, 204, 212, 213, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 301A, 301B, 301D, 301E, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 401, 402, 403, 404,

405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416,  
417, 418

VTD: 0011 MURPHY  
VTD: 0012 NORMAN PARK  
VTD: 0013 ROBINSON  
VTD: 0014 THIGPEN  
VTD: 0015 TY TY  
VTD: 0016 WARRIOR  
VTD: 0017 HOPEWELL  
VTD: 0019 AUTREYVILLE

CRISP COUNTY

VTD: 0001 CORDELE (Part)

Tract: 9801.

Block(s): 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 121,  
125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 149, 150,  
156, 157, 158, 159A, 159B, 160, 161, 162, 163A, 163B, 164,  
165, 166, 167, 168, 169, 170, 201, 202, 203, 207, 208, 209,  
210, 214, 215A, 215B, 215C, 215D, 215E, 216A, 216B, 217,  
218, 219, 220, 221, 222A, 222B, 222C, 223A, 223B, 224A,  
224B, 225, 226, 227, 228, 229, 230A, 230B, 231A, 231B, 232,  
233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244,  
245, 246, 247, 248, 249, 250, 251, 252A, 252B, 253, 254, 255,  
256, 257, 258, 259, 260, 261, 262, 263B, 264B, 265B, 266B,  
267, 268, 269, 301A, 301B, 302, 303A, 303B, 304, 305A,  
305B, 306B, 306C, 319, 322, 323A, 323B, 324A, 324B, 325,  
326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337,  
338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349,  
350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361,  
362, 363

Tract: 9802.

Block(s): 101, 102, 103, 104, 118, 119, 120, 121, 122, 123, 124,  
125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136,  
137, 138, 139, 140, 141, 142, 143A, 143B, 144B, 145, 146,  
147, 149, 150, 168B, 168E, 173D, 173E, 174A, 174B, 175,  
176, 177, 178, 184, 185, 186, 187, 193, 194, 195, 196B, 197B,  
328, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441,  
442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 501,  
502, 550, 551, 601, 602, 603, 604, 605, 606, 607, 608, 609,  
610, 618, 619

Tract: 9803.

Block(s): 113, 118, 119, 156, 157, 158, 159, 160, 161, 162, 163,  
164, 165, 166, 167, 168, 169, 172, 173, 201, 202A, 202B,  
202C, 203A, 203B, 204A, 204B, 205A, 205B, 206A, 206B,  
207, 208, 209, 210, 211, 212, 213, 214A, 214B, 215, 216A,  
216B, 217, 218A, 218B, 219A, 219B, 220A, 220B, 221A,  
221B, 221C, 222, 223, 224A, 224B, 224C, 225, 226A, 226B,

227, 228A, 228B, 229A, 229B, 230A, 230B, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255A, 255B, 255C, 256A, 256B, 256C, 256D, 256E, 256F, 257A, 257B, 258A, 258B, 258C, 259A, 259B, 260A, 260B, 261A, 261B, 262A, 262B, 263A, 263B, 264, 265, 266A, 266B, 267A, 267B, 268A, 268B, 269, 270, 271, 301, 302, 303, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 355, 356, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370

Tract: 9804.

Block(s): 101, 102, 103, 104, 105, 106, 107A, 107B, 107C, 107D, 108A, 108B, 109A, 109B, 110A, 110B, 111A, 111B, 112A, 112B, 113A, 113B, 114, 115, 116A, 116B, 117A, 117B, 118A, 118B, 119, 120A, 120B, 120C, 121A, 121B, 122A, 122B, 123, 124, 125A, 125B, 126A, 126B, 126C, 127, 128, 129, 130, 131, 132, 133A, 133B, 134A, 134B, 134C, 135A, 135B, 136, 137A, 137B, 138A, 138B, 139, 140, 141A, 141B, 141C, 142, 143, 144, 145, 146, 147, 148, 149, 150, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 301, 302, 307, 308, 310, 319, 320, 327, 328, 329, 330, 335, 336, 337, 338, 339, 401, 402A, 402B, 403, 404, 405A, 405B, 406A, 406B, 406C, 407A, 407B, 407C, 408, 409A, 409B, 410A, 410B, 411, 412, 413, 414A, 414B, 414C, 414D, 414E, 415A, 415B, 415C, 416, 417, 418A, 418B, 432, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 501A, 501B, 502A, 502B, 503A, 503B, 503C, 504, 505, 506, 507, 508, 509, 510, 511A, 511B, 512, 513, 514A, 514B, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527A, 527B, 528A, 528B, 528C, 528D, 529A, 529B, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544

Tract: 9805.

Block(s): 101, 102, 103, 104, 105, 106, 107, 114, 115, 116, 117, 118, 119, 120

VTD: 0002 LISTONIA

VTD: 0003 HATLEY

VTD: 0004 ARABI

VTD: 0005 JAMESTOWN

VTD: 0006 CONEY

DOOLY COUNTY

VTD: 0002 SIXTH 1012

VTD: 0003 THIRD 516  
 VTD: 0005 FINDLAY 1552

## DOUGHERTY COUNTY

VTD: 0001 NATIONAL GUARD ARMORY  
 VTD: 0002 NW LIBRARY  
 VTD: 0003 PORTERFIELD METH CH GYM  
 VTD: 0004 LOWER DEERFIELD-WINDSOR  
 VTD: 0005 WESTOVER HIGH SCHOOL  
 VTD: 0006 MERRY ACRES JR HIGH SCH  
 VTD: 0008 ALBANY JR COLLEGE  
 VTD: 0023 PUTNEY YOUTH CENTER  
 VTD: 0024 MOCK ROAD ELEMENTARY SCH  
 VTD: 0025 DOUGHERTY JR HIGH SCHOOL  
 VTD: 0026 BRANCH ROAD PRECINCT  
 VTD: 0028 SCOTTISH RITE TEMPLE

## HOUSTON COUNTY

VTD: 0001 RUMB (Part)

Tract: 0205.

Block(s): 221, 222, 223, 224, 225, 227A, 227B, 228, 233, 234,  
 235

Tract: 0207.

Block(s): 101B, 201A, 201B, 202, 203A, 203B, 203C, 203D,  
 204A, 204B, 204C, 205A, 205B, 205C, 206, 207, 208A, 208B,  
 307A, 307B, 308A, 308C, 401, 402, 403, 404, 405, 406, 407,  
 408, 409

Tract: 0208.

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111,  
 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123,  
 201, 301, 901A, 901B, 901C

Tract: 0211.01

Block(s): 101A, 101B, 102A, 102B, 103A, 103B, 104A, 104B,  
 105A, 105B, 105C, 105D, 106, 107, 108A, 108B, 108C, 108D,  
 108E, 109, 110, 114A, 114B, 115A, 115B

VTD: 0002 MILL

VTD: 0003 MSSH (Part)

Tract: 0201.03

Block(s): 301A, 303

Tract: 0202.

Block(s): 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112,  
 113, 114, 115, 116, 117, 118, 119

Tract: 0203.

Block(s): 315, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420,  
 421, 422, 423, 424, 425, 426, 427, 428, 429

VTD: 0004 RECR (Part)

Tract: 0201.02

Block(s): 222, 223

Tract: 0201.03

Block(s): 301B

Tract: 0203.

Block(s): 101A, 101B, 114B

Tract: 0204.

Block(s): 125, 127, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 901, 902, 903, 904, 905, 906

Tract: 0205.

Block(s): 106, 107, 108, 109, 110, 111, 112, 115, 116, 117, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 226, 229, 230, 231, 232

Tract: 0206.

Block(s): 101, 102A, 102B, 102C, 102D, 102E, 103, 201, 202A, 202B, 202C, 202D, 202E, 203, 204A, 204B, 205, 206, 207A, 207B, 208, 901A, 901B, 901C, 901D, 901E, 901F, 901G, 901H, 901J, 901K, 901L, 902, 905, 906, 907A, 907B, 907C, 908A, 908B, 909A, 909B

Tract: 0209.

Block(s): 101, 102, 103, 104, 106, 107, 112, 113, 119, 120, 121

VTD: 0006 RUSS

VTD: 0007 PKWD

VTD: 0008 NSJH (Part)

Tract: 0201.02

Block(s): 201, 202, 219, 220, 221, 227, 228, 229, 230, 231, 301A, 301C, 302A, 302B, 302C, 303A, 303B, 304, 305, 306A, 306B, 306C, 308, 309A, 309B, 401A, 401B, 401C, 401D, 401E, 401F, 401G, 401H, 401J, 402, 403, 404, 405, 406, 407, 408, 409, 411, 412, 414, 415, 417, 418, 419, 420, 426, 427, 428

VTD: 0009 LII

VTD: 0010 UII (Part)

Tract: 0211.01

Block(s): 113B

Tract: 0211.02

Block(s): 101A, 101B, 102, 103, 104, 105, 106A, 106B, 106C, 106D, 106E, 106F, 107A, 107B, 108, 109, 110, 111A, 111B, 112A, 112B, 113A, 113B, 114A, 114B, 115A, 115B, 116A, 116B, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 301, 304

Tract: 0211.03

Block(s): 101, 102, 103, 104, 105, 201, 202, 203A, 203B, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 301, 302, 303, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320,

321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332,  
333, 337, 338, 339, 340, 341, 342, 343, 344, 345

VTD: 0011 10TH (Part)

Tract: 0211.02

Block(s): 302, 303, 305, 306, 307, 308, 309, 310, 311, 312, 313

Tract: 0211.03

Block(s): 334, 335, 336

Tract: 0212.

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111,  
112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 201, 202,  
203, 206

VTD: 0012 CENT (Part)

Tract: 0201.01

Block(s): 101, 102A, 102B, 102C, 103, 104, 105A, 105B, 106A,  
106B, 107, 108A, 108B, 109A, 109B, 110, 111A, 111B, 201A,  
201B, 201C, 202, 203, 204, 205, 206A, 206B, 207A, 207B,  
207C, 207D, 207E, 208A, 208B, 208C, 209, 210A, 210B,  
210C, 211, 212A, 212B, 212C, 213A, 213B, 214A, 214B,  
215A, 215B, 216A, 216B, 218A, 218B, 218C, 218D, 218E,  
219A, 219B, 219C, 219D, 220, 301, 302, 303, 304, 305, 306,  
307, 308, 309, 310, 311, 312, 408A

Tract: 0201.02

Block(s): 203, 206, 207, 208, 209, 211, 212, 213, 214, 215, 216,  
217, 218

VTD: 0013 ANNEX (Part)

Tract: 0209.

Block(s): 408, 409, 410, 411

Tract: 0210.

Block(s): 301, 302, 303A, 303B, 303C, 303D, 303E, 303F, 303G,  
318, 319

Tract: 0211.01

Block(s): 201B, 201C, 201D, 201E, 202A, 202B, 203, 204,  
205A, 205B, 206, 207, 208A, 208C, 211B, 211C, 211F, 301A,  
301B, 301C, 302A, 302B, 304, 305, 306, 307, 308, 309, 310,  
311, 312, 313, 314, 315, 316, 317, 318, 401, 402, 403, 404,  
405A, 405B, 405C, 405D, 406A, 406B, 407A, 407B, 407C,  
407D, 407E, 407F, 407G, 408A, 408B, 409A, 409B, 410A,  
410B, 410C, 411, 412A, 412B, 413, 414, 415, 416, 417, 418,  
419A, 419B, 420, 421, 422, 423, 424A, 424B

Tract: 0211.02

Block(s): 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211,  
212, 213, 214, 215, 216, 217, 218, 219

VTD: 0015 12TH (Part)

Tract: 0215.02

Block(s): 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156,  
157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168,

169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 201, 202,  
203, 205, 206, 207, 208, 209, 210, 212, 213, 214, 215, 216,  
217, 218, 219, 220, 221, 222, 231, 237, 238, 239, 240, 241

VTD: 0016 TOWN (Part)

Tract: 0212.

Block(s): 204, 205, 207, 208, 209, 210, 211A, 211B, 212, 213A,  
213B, 214, 215, 301, 302, 303A, 303B, 508, 510, 511, 512,  
513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524,  
525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 611, 612,  
613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624,  
625, 626, 627, 628, 629, 630, 631, 701, 702, 703, 704, 709,  
710

Tract: 0213.

Block(s): 101, 102A, 102B, 103A, 103B, 104, 105, 106, 107,  
108, 109A, 109B, 110, 111, 112, 113A, 113B, 113C, 114,  
115A, 115B, 115C, 115D, 116, 117A, 117B, 117C, 131, 132,  
303, 304, 311D, 314, 315, 316, 317, 428A, 428B, 429B, 430B,  
431, 432

Tract: 0214.

Block(s): 111, 112, 113, 114, 115, 116, 117, 118, 201, 202, 203,  
204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215,  
216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227,  
228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239,  
240, 241, 242, 243, 244, 245, 246, 301, 302, 303, 304, 305A,  
305B, 306A, 306B, 307A, 307B, 308, 309, 310, 311, 312,  
313A, 313B, 313C, 314, 315, 316, 317, 318A, 318B, 319, 320,  
321, 322, 323, 324, 325, 326, 327, 328A, 328B, 329, 330, 331,  
332, 401, 402A, 402B, 407, 408, 507, 525, 526, 527, 528, 529,  
530

Tract: 0215.02

Block(s): 143B, 144, 145

VTD: 0017 WRJH

JONES COUNTY

VTD: 0001 BARRON AND CLINTON (Part)

Tract: 0301.02

Block(s): 117, 118, 119, 204, 205, 206, 208, 209, 225, 226, 227

VTD: 0005 ROBERTS (Part)

Tract: 0301.02

Block(s): 207, 213, 219, 220, 221, 222, 223, 224, 228, 229, 314,  
315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326,  
327, 328, 329, 330, 331

VTD: 0008 ROBERTS 4

LEE COUNTY

VTD: 0002 REDBONE

VTD: 0003 LEESBURG (Part)

Tract: 0203.

Block(s): 424, 430, 431B, 432, 433, 434B, 435, 436, 437, 439A, 439B, 440A, 440B, 440C, 441A, 441B, 441C, 442, 443, 444A, 444B, 445A, 445B, 446A, 446B, 447, 448, 449, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 475A, 475B, 476A, 476B, 477A, 478, 479, 480, 501, 502, 503, 504, 505A, 506, 507A, 508

VTD: 0004 CENTURY

VTD: 0005 PALMYRA

LOWNDES COUNTY

VTD: 0001 HAHIRA

VTD: 0002 MINEOLA (Part)

Tract: 0102.

Block(s): 461, 462, 475, 476, 477, 478, 479, 480, 481, 482, 483, 485, 486, 487

VTD: 0003 MOODY MASONIC

VTD: 0004 MATHIS AUDITORIUM (Part)

Tract: 0101.

Block(s): 305A, 305B, 306

Tract: 0103:

Block(s): 201A, 202, 203A, 204A, 205, 206A, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219A, 221A, 221B, 221C, 222A, 222B, 233, 234A, 235, 236, 237, 238, 251, 252, 254A, 257A

Tract: 0104.

Block(s): 125A, 126, 127, 128, 129, 136A, 138A, 139A, 140A, 142A, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 201, 202, 203, 204, 205, 206, 207, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234

VTD: 0006 CHURCH LATTERDAY SAINTS

VTD: 0008 NAYLOR COURTHOUSE

VTD: 0009 CLYATTVILLE

VTD: 0010 DASHER

VTD: 0011 LAKE PARK

VTD: 0012 FIRST CHRISTIAN CHURCH

VTD: 0013 LOWNDES CIVIC CENTER AND FORREST PK CHURCH (Part)

Tract: 0105.

Block(s): 101, 102, 129

Tract: 0106.

Block(s): 301A, 301B, 302, 303A, 303B, 303C

Tract: 0107.

Block(s): 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 255, 256, 257, 258, 259,

260, 301, 302, 303, 304, 305, 306, 307, 308, 309, 311, 312,  
313, 314, 315, 316, 317, 318, 322, 328, 329

Tract: 0108.

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111,  
112, 113B, 114, 131, 132, 133, 134, 201, 202A, 202B, 202C,  
203, 401B, 434B, 436B

VTD: 0014 SOUTHSIDE FIRE DEPARTMENT

VTD: 0016 REDLANDS BAPTIST CHURCH

VTD: 0017 SHILOH FIRE STATION (Part)

Tract: 0102.

Block(s): 342, 343, 344A, 344B, 344C, 345, 346, 347, 348, 349,  
350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361,  
362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373,  
374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385,  
386, 387, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426,  
427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438,  
439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450,  
451, 452, 453, 454, 455, 456

VTD: 0018 NEW COVENANT CHURCH (Part)

Tract: 0101.

Block(s): 269, 270, 271, 274A, 274B, 275, 277, 278, 279, 280,  
281, 283, 284, 285, 289, 290, 291, 292, 293, 305E, 305F,  
305G, 305H, 305J, 305K, 305M

Tract: 0103.

Block(s): 101, 102B, 102C, 103B, 104, 105, 201B, 201C, 201D,  
201E, 201F, 201G, 201H, 201J, 201K, 201L, 201M, 203B,  
204B, 206B, 206C, 206D, 206E, 206F, 206G, 219B, 220B,  
221D, 221E, 222C, 222D, 222E, 241B, 241C, 241D, 242, 243,  
244, 245, 246, 247, 248B, 253C, 254C, 256B, 257B, 257C,  
257D

Tract: 0104.

Block(s): 101B, 102B, 103B, 117B, 122B, 122C, 123B, 124B,  
125B, 125C, 136B, 137, 138B, 139B, 140B, 141, 142B

Tract: 0106.

Block(s): 101B, 101C, 102C, 102D, 102E, 104, 105B, 105C, 106,  
107, 108, 109B, 109C, 109D, 201, 202, 203, 204, 205, 206,  
207, 208, 209, 210, 211B, 212, 213, 214, 215, 216, 217, 218,  
219, 220, 221A, 221B, 221D, 222, 223, 224, 225, 226, 227,  
228

VTD: 0021 REMERTON CITY HALL

VTD: 0022 EVANGEL CATHEDRAL

TWIGGS COUNTY

VTD: 0002 HAMMOCK

VTD: 0006 PEARSON 1

VTD: 0008 SMITH

VTD: 0011 PEARSON 2 (Part)

Tract: 0601.98

Block(s): 389

Tract: 0602.

Block(s): 501, 502, 505, 507, 508, 509, 510, 515, 516, 518

District: 9

DADE COUNTY  
 RABUN COUNTY  
 WALKER COUNTY  
 CATOOSA COUNTY  
 WHITFIELD COUNTY  
 MURRAY COUNTY  
 FANNIN COUNTY  
 TOWNS COUNTY  
 UNION COUNTY  
 GILMER COUNTY  
 HABERSHAM COUNTY  
 WHITE COUNTY  
 LUMPKIN COUNTY  
 STEPHENS COUNTY  
 GORDON COUNTY  
 DAWSON COUNTY  
 PICKENS COUNTY  
 HALL COUNTY  
 FORSYTH COUNTY  
 CHEROKEE COUNTY  
 VTD: 0001 BALLGROUND  
 VTD: 0003 CANTON  
 VTD: 0004 CLAYTON  
 VTD: 0005 CROSSROADS  
 VTD: 0006 CONNS CREEK  
 VTD: 0007 FAIR PLAY  
 VTD: 0008 HARBINS  
 VTD: 0012 MULLINS  
 VTD: 0013 SALICOA  
 VTD: 0015 WILDCAT

District: 10

FRANKLIN COUNTY  
 HART COUNTY  
 BANKS COUNTY  
 JACKSON COUNTY  
 ELBERT COUNTY  
 MADISON COUNTY  
 BARROW COUNTY  
 OGLETHORPE COUNTY

CLARKE COUNTY  
 LINCOLN COUNTY  
 OCONEE COUNTY  
 WALTON COUNTY  
 MORGAN COUNTY  
 NEWTON COUNTY  
 COLUMBIA COUNTY  
 MCDUFFIE COUNTY  
 GWINNETT COUNTY

VTD: 0001 1295A  
 VTD: 0017 1564  
 VTD: 0020 1749  
 VTD: 0025 478  
 VTD: 0026 444A  
 VTD: 0027 444B  
 VTD: 0044 1397  
 VTD: 0046 1587  
 VTD: 0047 550A  
 VTD: 0048 550B  
 VTD: 0062 550C  
 VTD: 0063 550D  
 VTD: 0068 407F (Part)

Tract: 0507.05

Block(s): 118, 160A, 160C

RICHMOND COUNTY

VTD: 0004 2A (Part)

Tract: 0008.

Block(s): 303, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316,  
 319, 320

VTD: 0005 3 (Part)

Tract: 0009.

Block(s): 606, 607, 608, 609

Tract: 0010.

Block(s): 204, 205, 206, 207, 305, 306, 307, 308, 309, 310, 311,  
 312, 313, 314, 315, 316, 406, 415, 416, 417, 418, 419, 420,  
 422, 423, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437,  
 438, 439, 440, 441, 442, 444

VTD: 0012 5

VTD: 0013 5A

VTD: 0015 6 (Part)

Tract: 0011.

Block(s): 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116,  
 117, 118, 201, 202, 203, 204, 205, 206

Tract: 0012.

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111,  
 112, 113, 201, 202, 203, 204, 205, 206, 207, 208, 501, 506,  
 507, 508, 509, 510, 511, 512, 513

Tract: 0013.  
 Block(s): 207, 208, 210, 211, 212, 213, 214, 215, 216, 225A  
 VTD: 0017 6B  
 VTD: 0019 7  
 VTD: 0020 7A  
 VTD: 0021 8 (Part)  
 Tract: 0011.  
 Block(s): 306, 307, 308, 313, 314  
 Tract: 0012.  
 Block(s): 402, 605, 606, 607, 608, 616  
 VTD: 0022 8A (Part)  
 Tract: 0011.  
 Block(s): 207, 208  
 Tract: 0012.  
 Block(s): 601, 602, 603, 604, 609, 610, 611, 612, 613, 614, 615,  
 901B  
 Tract: 0016.  
 Block(s): 101, 102, 110, 111, 112, 113, 114, 115, 116, 117, 118,  
 119, 202A, 205, 206, 207A, 208A, 209, 212, 213A, 215, 216,  
 217, 218, 226A, 227A  
 VTD: 0023 8B (Part)  
 Tract: 0016.  
 Block(s): 214, 901A, 902, 903A, 904  
 VTD: 0029 86-1  
 VTD: 0030 86-2  
 VTD: 0033 86-5  
 VTD: 0034 86-6 (Part)  
 Tract: 0109.02  
 Block(s): 133, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210,  
 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222,  
 223, 224, 225, 301, 302, 303, 304, 305, 306, 307, 308, 309,  
 310, 311, 312, 313, 314, 315, 316, 317, 318, 401, 402, 403,  
 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415,  
 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427,  
 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439,  
 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451,  
 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463,  
 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475,  
 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487,  
 488, 489, 490, 491, 492, 493, 494, 495, 496, 497  
 VTD: 0035 86-7  
 VTD: 0036 86-8 (Part),  
 Tract: 0106.  
 Block(s): 929A, 929B, 930A, 930B, 931, 932, 934, 949, 953, 954  
 Tract: 0107.06

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 301, 302, 303, 304, 305, 306

VTD: 0037 87-1

VTD: 0038 87-2 (Part)

Tract: 0001.

Block(s): 515, 516C, 518, 519, 520, 521, 525

Tract: 0101.02

Block(s): 302, 303, 315, 316, 317, 323

Tract: 0102.01

Block(s): 102, 103, 104, 105, 126, 128, 131, 132, 133, 134, 135

VTD: 0045 88-7 (Part)

Tract: 0105.07

Block(s): 205, 206, 207, 208, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 228, 229, 230, 231

VTD: 0046 89-1

VTD: 0048 89-3

VTD: 0050 89-5

VTD: 0051 89-6

VTD: 0052 89-7 (Part)

Tract: 0105.05

Block(s): 901, 902, 916, 917

Tract: 0105.07

Block(s): 301, 302, 304, 305, 306, 307, 308, 309, 313, 314, 412, 413, 414, 415, 418

VTD: 0055 89-10

VTD: 0056 90-1

VTD: 0057 90-2

VTD: 0058 90-3

VTD: 0059 90-4

VTD: 0060 90-5 (Part)

Tract: 0016.

Block(s): 301, 317, 318, 324, 327, 501, 502, 515, 516, 517, 901C

Tract: 0101.05

Block(s): 525, 526, 527, 528, 529, 530, 531, 532

Tract: 0102.01

Block(s): 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 426, 430, 431

Tract: 0102.03

Block(s): 401, 402, 403

Tract: 0102.04

Block(s): 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 901, 902, 903, 904, 905

VTD: 0066 FG4

VTD: 0067 FG5 (Part)

Tract: 0108.

Block(s): 901D, 901G, 901H, 901J, 906, 907, 911, 912

WILKES COUNTY

VTD: 0002 2A (Part)

Tract: 9801.

Block(s): 239, 240, 241B, 242, 243, 244, 245, 246, 247, 248, 249, 250, 268, 269

Tract: 9803.

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 117, 118, 119, 120, 121, 122, 123A, 123B, 124A, 124B, 125, 316, 528B, 529B, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620B, 621B, 629, 630, 637B, 637C, 638, 639, 640B, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 710, 711, 712, 713, 714, 715A, 715B, 716A, 716B, 717, 718, 719, 720, 721, 722, 723, 749, 750, 751, 752, 753, 754, 755, 757, 758, 759, 760, 761, 762, 763, 764, 765, 789

VTD: 0003 2B (Part)

Tract: 9801.

Block(s): 215, 216, 217, 218, 219, 220, 221, 222, 230B, 236, 237, 238, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267

Tract: 9803.

Block(s): 701, 702, 703, 704, 705, 706, 707, 708, 709, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 737, 738, 743, 744, 745, 746, 747, 748, 756, 766, 796, 797

VTD: 0004 3A (Part)

Tract: 9802.

Block(s): 204, 205, 206, 207, 208, 209, 210, 211, 226, 227, 228, 229, 230, 231, 232, 235, 236, 237, 238

Tract: 9803.

Block(s): 202B, 203, 204, 205, 207A, 207B, 208, 209, 210, 211

VTD: 0005 3B

VTD: 0006 4A

VTD: 0007 4B

District: 11

GREENE COUNTY

TALIAFERRO COUNTY

WARREN COUNTY  
 JASPER COUNTY  
 PUTNAM COUNTY  
 HANCOCK COUNTY  
 BUTTS COUNTY  
 GLASCOCK COUNTY  
 JEFFERSON COUNTY  
 BURKE COUNTY  
 WASHINGTON COUNTY  
 SCREVEN COUNTY  
 WILKINSON COUNTY  
 JENKINS COUNTY  
 BALDWIN COUNTY

VTD: 0001 MONTPELIER-EAST BALDWIN

VTD: 0002 NORTH BALDWIN 318 (Part)

Tract: 9702.

Block(s): 319D, 320B, 321B, 321C, 323C, 325B, 326, 327B,  
 328B, 329B, 330D, 331, 332B, 336B, 402

Tract: 9704.

Block(s): 101B

VTD: 0003 WEST BALDWIN 319 (Part)

Tract: 9703.

Block(s): 230C, 230D, 230E, 231B, 231C, 232B, 233B, 233C

Tract: 9704.

Block(s): 212D, 212E, 213B, 213C, 214B, 307, 308C, 308D,  
 309B, 310B, 311C, 311D, 311E, 311F

Tract: 9705.

Block(s): 201B, 202B, 212B, 325B, 326C, 326D, 328, 341, 342,  
 343B, 344A, 344B, 346C, 346D, 347, 348, 350B, 356B, 359B,  
 361, 362B, 363, 364, 376, 377, 378, 379, 380, 381, 382, 383,  
 384, 385

Tract: 9708.

Block(s): 201, 202, 203, 204, 205, 210, 401, 402, 403, 404, 405,  
 410, 411, 412, 413, 414

VTD: 0004 EAST MILLEDGEVILLE 320E

VTD: 0005 EAST HARDWICK 321E

VTD: 0007 NORTH MILLEDGEVILLE 320N (Part)

Tract: 9701.

Block(s): 107B, 125A, 126, 127A, 185A

Tract: 9702.

Block(s): 107A, 301A, 302, 303, 304, 305, 317, 318, 319A,  
 319B, 319C, 320A, 321A, 322, 323A, 323B, 324, 325A, 327A,  
 328A, 329A, 330B, 330C, 332A, 342A

Tract: 9703.

Block(s): 220B, 225A, 226A, 229A, 230A, 231A, 232A, 233A

Tract: 9704.

Block(s): 101A, 102, 103, 104, 105, 110, 111, 112, 113, 201,  
202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212A, 212B,  
212C, 213A, 214A, 215, 216, 217, 221, 222, 308A

VTD: 0008 SOUTH MILLEDGEVILLE 320S

VTD: 0009 WEST HARDWICK 321W

VTD: 0010 GMC 320G

VTD: 0011 BALDWIN COUNTY COURTHOUSE 320H

VTD: 0012 FIRST CHRISTIAN CHURCH 320C

VTD: 0013 SCOTTSBORO 1714 (Part)

Tract: 9708.

Block(s): 105B, 106, 107, 108, 116, 117, 118B, 132; 133

### CHATHAM COUNTY

VTD: 0012 1-12 (Part)

Tract: 0039.

Block(s): 201A, 202A, 212, 301B, 310A, 310B, 311B, 312, 313,  
314, 315, 404, 405, 406A, 406B, 407A, 407B, 408, 409, 410A,  
410B, 411, 412A, 412B

Tract: 0040.02

Block(s): 101, 102, 103, 104A, 104B, 105, 118A, 118B

Tract: 0102.

Block(s): 312A, 312B, 312C, 313A, 313B, 313C

VTD: 0013 1-13 (Part)

Tract: 0102.

Block(s): 101, 102, 103, 118, 119, 120, 201, 206, 207, 208, 209,  
210, 308, 309, 310, 311, 312D, 314, 315, 316

VTD: 0014 2-1

VTD: 0015 2-2

VTD: 0016 2-3

VTD: 0017 2-4

VTD: 0018 2-5

VTD: 0019 2-6

VTD: 0020 2-7

VTD: 0021 2-8

VTD: 0026 3-3 (Part)

Tract: 0036.01

Block(s): 308, 309, 310, 311, 312, 313, 314

VTD: 0027 3-4

VTD: 0029 3-6 (Part)

Tract: 0035.02

Block(s): 101, 102, 103, 104, 105, 106, 107, 109, 110, 111, 112,  
113, 114, 115, 116, 117

VTD: 0030 3-7

VTD: 0035 4-2

VTD: 0043 4-10 (Part)

Tract: 0038.

Block(s): 204B, 307B, 312B, 313B

Tract: 0039.

Block(s): 201B, 202B

Tract: 0101.02

Block(s): 407, 408, 409, 410

VTD: 0046 5-1

VTD: 0047 5-2

VTD: 0049 5-4

VTD: 0050 5-5

VTD: 0051 5-6

VTD: 0052 5-7

VTD: 0053 5-8

VTD: 0054 5-9

VTD: 0055 5-10

VTD: 0069 7-5 (Part)

Tract: 0107.98

Block(s): 101B, 104, 183, 184, 185, 186A, 186B, 187A, 187B,  
195, 196, 197

VTD: 0077 8-2 (Part)

Tract: 0105.01

Block(s): 201, 212B, 213

Tract: 0106.04

Block(s): 101A, 101B, 102A, 102B, 103A, 103B, 104A, 104B,  
105, 106, 107, 108, 109, 110, 111, 112, 113, 114A, 114B, 115,  
116, 117, 118, 119A, 119B, 120A, 120B, 121A, 121B, 122A,  
122B, 123, 124A, 124B, 125, 126A, 126B, 127A, 127B, 127C,  
128, 129B, 131B, 132, 133, 134, 135A, 135B, 136, 137, 138,  
139, 140, 141, 142B, 143B, 144, 145, 146, 147B, 150, 151,  
152, 153, 154, 155

Tract: 0106.05

Block(s): 101, 102B, 103, 104, 117, 118, 175

Tract: 0106.99

Block(s): 146Z

VTD: 0078 8-3

VTD: 0079 8-4

VTD: 0080 8-5

VTD: 0081 8-6

VTD: 0082 8-7

VTD: 0083 8-8

VTD: 0084 8-9

VTD: 0085 8-10

#### DEKALB COUNTY

VTD: 0004 ATHERTON

VTD: 0007 BOB MATHIS

VTD: 0015 CANBY

VTD: 0016 CANDLER

VTD: 0018 CASA LINDA

VTD: 0019 CEDAR GROVE  
VTD: 0022 CHAPEL HILL  
VTD: 0026 CLARKSTON  
VTD: 0027 CLIFTON  
VTD: 0029 COUNTY LINE  
VTD: 0031 CROSSROADS  
VTD: 0039 EASTLAND  
VTD: 0044 FAIRINGTON  
VTD: 0046 FLAT SHOALS  
VTD: 0050 GRESHAM PARK  
VTD: 0055 HOOPER ALEXANDER  
VTD: 0059 INDIAN CREEK  
VTD: 0060 INGLESIDE  
VTD: 0063 KELLY LAKE  
VTD: 0066 KNOLLWOOD  
VTD: 0070 LITHONIA  
VTD: 0077 MCWILLIAMS  
VTD: 0078 MEADOWVIEW  
VTD: 0083 MIDWAX  
VTD: 0084 MIDWAY PARK  
VTD: 0085 MILLER ROAD  
VTD: 0096 PANOLA  
VTD: 0097 PANOLA WAY  
VTD: 0098 PEACHCREST  
VTD: 00AB PHILLIPS  
VTD: 00AF RAINBOW  
VTD: 00AG RAINBOW PARK  
VTD: 00AH REDAN NORTH  
VTD: 00AJ REDAN SOUTH  
VTD: 00AN ROWLAND  
VTD: 00AP ROWLAND HILLS  
VTD: 00AT SALEM  
VTD: 00AV SCOTTDALE  
VTD: 00BC SNAPPINGER  
VTD: 00BE SPRING HILL  
VTD: 00BH STONEVIEW  
VTD: 00BJ TERRY MILL  
VTD: 00BK TILSON  
VTD: 00BL TONEY  
VTD: 00BN TOWERS  
VTD: 00BT WADSWORTH  
VTD: 00BV WESLEY CHAPEL  
EFFINGHAM COUNTY  
VTD: 0005 CLYO 3B (Part)  
Tract: 0301.

Block(s): 101, 102, 103, 104, 105, 106, 107, 109, 110, 152, 153, 154, 155, 156, 157, 158, 159, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210

Tract: 0302.

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 136, 143, 144, 145, 146, 147, 148, 149, 156, 157, 158, 160, 187, 188, 189, 190

VTD: 0006 MASONIC LODGE 3C AND SPRINGFIELD 4 (Part)

Tract: 0302.

Block(s): 161, 162, 166, 191, 201, 208, 209, 210

Tract: 0303.98

Block(s): 101, 102, 104, 117

VTD: 0008 RINCON 5 (Part)

Tract: 0303.98

Block(s): 106, 107, 108, 195, 196, 197, 301, 302, 303, 304, 305, 317, 327, 328, 329, 330, 331, 332, 391, 392, 393

#### HENRY COUNTY

VTD: 0005 BEERSHEBA

VTD: 0020 HIGHLAND VILLAGE (Part)

Tract: 0702.01

Block(s): 136, 139, 140, 141, 142, 143, 144, 145, 147, 148, 149, 150, 151, 152, 153, 154

VTD: 0030 LOVES

VTD: 0045 MCMULLEN

VTD: 0050 SANDY RIDGE

VTD: 0070 SWAN LAKE (Part)

Tract: 0701.02

Block(s): 101, 102, 103, 104, 105, 120, 121, 122, 123, 124

Tract: 0701.98

Block(s): 101, 102, 103, 104, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 152, 153, 154, 155, 156, 157, 158, 159, 160

#### RICHMOND COUNTY

VTD: 0001 1

VTD: 0002 1A

VTD: 0003 2

VTD: 0004 2A (Part)

Tract: 0006.

Block(s): 506, 507, 512

Tract: 0007.

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 116, 119, 120, 121, 122, 123, 124, 127

Tract: 0008.

Block(s): 201, 202, 203, 204, 205, 206, 207, 209, 210, 301, 302, 304, 305, 306, 317, 318

VTD: 0005 3 (Part)

Tract: 0009.

Block(s): 602, 610, 612, 613

Tract: 0010.

Block(s): 122, 201, 202, 203, 208, 209

VTD: 0006 3A

VTD: 0007 3B

VTD: 0008 4

VTD: 0009 4A

VTD: 0010 4B

VTD: 0011 4C

VTD: 0014 5B

VTD: 0015 6 (Part)

Tract: 0012.

Block(s): 901A

VTD: 0016 6A

VTD: 0018 6C

VTD: 0021 8 (Part)

Tract: 0001.

Block(s): 414, 415, 501, 502, 505, 506, 507, 508, 509, 511, 512,  
516A, 516B

Tract: 0011.

Block(s): 304, 305, 309, 316, 317, 318, 319, 320, 321

VTD: 0022 8A (Part)

Tract: 0016.

Block(s): 103, 104, 105, 106, 107, 108, 109, 219A, 233

VTD: 0023 8B (Part)

Tract: 0016.

Block(s): 503A, 601, 602, 603, 604, 605A, 905A

VTD: 0024 8C

VTD: 0026 85-1

VTD: 0027 85-2

VTD: 0028 85-3

VTD: 0031 86-3

VTD: 0032 86-4

VTD: 0034 86-6 (Part)

Tract: 0109.02

Block(s): 101, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112,  
113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124,  
125, 126, 127, 128, 129, 130, 131, 132, 134, 135, 136, 137,  
138

VTD: 0036 86-8 (Part)

Tract: 0106.

Block(s): 936B, 941, 942, 943, 945, 946, 947, 948B, 950, 951,  
952, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965,  
973

Tract: 0109.02

Block(s): 102

VTD: 0038 87-2 (Part)

Tract: 0016.

Block(s): 201, 219B, 220, 232, 235

VTD: 0039 88-1

VTD: 0040 88-2

VTD: 0041 88-3

VTD: 0042 88-4

VTD: 0043 88-5

VTD: 0044 88-6

VTD: 0047 89-2

VTD: 0049 89-4

VTD: 0052 89-7 (Part)

Tract: 0105.05

Block(s): 903, 904

VTD: 0053 89-8

VTD: 0060 90-5 (Part)

Tract: 0016.

Block(s): 503B, 504, 513, 901B

VTD: 0063 FG1

VTD: 0064 FG2

VTD: 0068 FG6

TWIGGS COUNTY

VTD: 0001 BLUFF

VTD: 0003 HIGGSVILLE AND SHADY GROVE

VTD: 0004 JEFFERSONVILLE

VTD: 0011 PEARSON 2 (Part)

Tract: 0601.98

Block(s): 201, 202, 213, 214, 215, 216, 217, 218, 219, 220, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 273, 343, 374, 375, 388, 390

Tract: 0602.

Block(s): 301, 302, 303, 304, 305, 306, 355, 356, 503, 504, 506, 511, 512, 513, 514, 517, 519, 522, 523

WILKES COUNTY

VTD: 0001 1

VTD: 0002 2A (Part)

Tract: 9803.

Block(s): 317, 318, 319, 329, 330, 331, 339, 340, 341, 342, 343, 344, 345, 785, 786, 787, 788

VTD: 0003 2B (Part)

Tract: 9803.

Block(s): 734, 735, 736, 739, 740, 741, 742, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 790, 791, 792, 793, 794, 795

VTD: 0004 3A (Part)

Tract: 9802.

Block(s): 223, 224, 225, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249

Tract: 9803.

Block(s): 202A, 202C, 206, 212A, 212B, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233A, 233B, 234, 235, 414B, 415

(b) Any portion of this state which is not included in any district described in this Code section shall be included within that district contiguous to such portion which contains the least population according to the United States decennial census of 1990 for this state.

(c) The first members elected pursuant to the provisions of this Code section shall be those who are elected to take office in January, 1993. Successors to those members and future successors shall likewise be elected under the provisions of this Code section. Until that time the members of the United States House of Representatives elected in 1990 shall continue to serve and, for all purposes relative to membership in the House of Representatives, the composition of congressional districts from which such members were elected shall remain the same. The provisions of this Code section shall be effective for the primaries and elections of 1992 for the purpose of electing the members in 1992 who are to take office in 1993. For the purpose of appointing or electing members of boards or bodies where such are made on the basis of congressional districts, the provisions of this Code section shall be effective January 1, 1993. (Orig. Code 1863, § 44; Code 1868, § 42; Ga. L. 1872, p. 12, § 1; Code 1873, § 40; Code 1882, § 40; Ga. L. 1890-91, p. 193, §§ 1-3; Civil Code 1895, § 31; Ga. L. 1905, p. 52, § 2; Ga. L. 1905, p. 54, § 2; Ga. L. 1905, p. 55, § 2; Ga. L. 1905, p. 57, § 2; Ga. L. 1905, p. 58, § 2; Ga. L. 1905, p. 60, § 2; Ga. L. 1905, p. 62, § 1; Ga. L. 1905, p. 63, § 2; Civil Code 1910, § 33; Ga. L. 1911, p. 146, § 1; Ga. L. 1912, p. 38, § 1; Ga. L. 1912, p. 41, § 1; Ga. L. 1912, p. 108, § 1; Ga. L. 1914, p. 23, § 2; Ga. L. 1914, p. 27, § 1; Ga. L. 1914, p. 29, § 1; Ga. L. 1914, p. 33, § 1; Ga. L. 1916, p. 17, § 1; Ga. L. 1917, p. 41, § 1; Ga. L. 1917, p. 44, § 1; Ga. L. 1918, p. 102, § 1; Ga. L. 1918, p. 106, § 1; Ga. L. 1919, p. 68, § 1; Ga. L. 1920, p. 34, § 1; Ga. L. 1920, p. 38, § 1; Ga. L. 1920, p. 48, § 1; Ga. L. 1920, p. 52, § 1; Ga. L. 1921, p. 88, § 1; Ga. L. 1924, p. 39, § 1; Ga. L. 1931, p. 46, §§ 1, 2; Code 1933, § 34-2301; Ga. L. 1964, p. 478, § 1; Code 1933, § 34-1801, enacted by Ga. L. 1971, Ex. Sess., p. 89, § 1; Ga. L. 1972, p. 235, § 1; Ga. L. 1981, Ex. Sess., p. 131, § 1; Ga. L. 1991, Ex. Sess., p. 92, § 2; Ga. L. 1992, p. 335, § 2; Ga. L. 1992, p. 833, § 2.)

**21-2-4.1. Continuation in office, dismissal, or appointment of members of constitutional or statutory boards or bodies for which membership based on residency within congressional district.**

Any member of any constitutional or statutory board or body who is in office on January 1, 1993, and who was appointed on the basis of residency within a congressional district shall serve out the term for which the member was appointed and shall represent the congressional district created by this chapter in which the member resides unless more members of the board or body than authorized by the applicable constitutional provision or statute reside within the same congressional district. In the event any congressional district created by this chapter has residing therein more members of any such board or body than the number of members specified by the applicable constitutional provision or statute, the appointing authority shall designate which member or members representing the congressional district shall continue to serve as a member or members of the board or body. Any member not designated for continued membership shall cease to hold office as of the time specified in subparagraph (d)(2)(C) of Code Section 1-3-1. If a congressional district created by this chapter is not represented on a board or body as specified by the applicable constitutional provision or statute, a vacancy shall exist. Such vacancy shall be filled as of the time specified in subparagraph (d)(2)(C) of Code Section 1-3-1 by the appointing authority appointing to the board or body a member or members from the congressional district which does not have sufficient representation. In the case of an appointment to fill a vacancy created by the displacement of a member from a congressional district on the basis of residency, the initial appointment shall be for a term ending on the date on which the term of the member removed by the appointing authority in accordance with the foregoing requirement would have ended. The initial term of all other appointments to fill a vacancy as provided for in this Code section shall be set by the appointing authority in accordance with the schedule of expiration dates established by law for the terms of members of the board or body. (Code 1933, § 34-1803, enacted by Ga. L. 1981, Ex. Sess., p. 131, § 1; Code 1981, § 21-2-4.1, enacted by Ga. L. 1981, Ex. Sess., p. 131, § 2; Ga. L. 1990, p. 1903, § 6.)

**21-2-5. Qualifications of candidates for federal and state office; determination of qualifications.**

(a) Every candidate for federal and state office who is certified by the state executive committee of a political party or who files a notice of candidacy shall meet the constitutional and statutory qualifications for holding the office being sought.

(b) The Secretary of State upon his own motion may challenge the qualifications of any candidate at any time prior to the election of such candidate. Within two weeks after the deadline for qualifying, any elector who is eligible to vote for a candidate may challenge the qualifications of the candidate by filing a written complaint with the Secretary of State giving the reasons why the elector believes the candidate is not qualified to seek and hold the public office for which he is offering. Upon his own motion or upon a challenge being filed, the Secretary of State shall notify the candidate in writing that his qualifications are being challenged and the reasons therefor and shall advise the candidate that he is setting a hearing on the matter and shall inform the candidate of the date, time, and place of the hearing. The Secretary of State is authorized to designate any member of his office as a hearing officer who shall be authorized to conduct a hearing for the purpose of receiving testimony regarding the qualifications of any candidate. The hearing officer shall report his findings to the Secretary of State.

(c) The Secretary of State shall determine if the candidate is qualified to seek and hold the public office for which he is offering. If the Secretary of State determines that the candidate is not qualified, the Secretary of State shall withhold the name of the candidate from the ballot or strike his name from the ballot if the ballots have been printed.

(d) The elector filing the challenge or the candidate challenged shall have the right to appeal the decision of the Secretary of State by filing a petition in the Superior Court of Fulton County within ten days after the entry of the final decision by the Secretary of State. The filing of the petition shall not itself stay the decision of the Secretary of State; however, the reviewing court may order a stay upon appropriate terms for good cause shown. As soon as possible after service of the petition, the Secretary of State shall transmit the original or a certified copy of the entire record of the proceedings under review to the reviewing court. The review shall be conducted by the court without a jury and shall be confined to the record. The court shall not substitute its judgment for that of the Secretary of State as to the weight of the evidence on questions of fact. The court may affirm the decision or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the findings, inferences, conclusions, or decisions of the Secretary of State are:

- (1) In violation of the Constitution or laws of this state;
- (2) In excess of the statutory authority of the Secretary of State;
- (3) Made upon unlawful procedures;
- (4) Affected by other error of law;
- (5) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (6) Arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

An aggrieved party may obtain a review of any final judgment of the superior court by the Court of Appeals or the Supreme Court, as provided by law. (Code 1933, § 34-304, enacted by Ga. L. 1980, p. 312, § 1; Ga. L. 1983, p. 884, § 6-1; Ga. L. 1984, p. 636, § 1; Ga. L. 1985, p. 496, § 1; Ga. L. 1986, p. 32, § 1; Ga. L. 1987, p. 1360, § 1; Ga. L. 1989, p. 900, § 1.)

**21-2-6. Qualifications of candidates for county office; determination of qualifications.**

(a) Every candidate for county office who is certified by the county executive committee of a political party or who is filing a notice of candidacy shall meet the constitutional and statutory qualifications for holding the office being sought.

(b) The superintendent upon his own motion may challenge the qualifications of any candidate referred to in subsection (a) of this Code section at any time prior to the election of such candidate. Within two weeks after the deadline for qualifying, any elector who is eligible to vote for any such candidate may challenge the qualifications of the candidate by filing a written complaint with the superintendent giving the reasons why the elector believes the candidate is not qualified to seek and hold the public office for which he is offering. Upon his own motion or upon a challenge being filed, the superintendent shall notify the candidate in writing that his qualifications are being challenged and the reasons therefor and shall advise the candidate that he is setting a hearing on the matter and shall inform the candidate of the date, time, and place of the hearing.

(c) The superintendent shall determine if the candidate is qualified to seek and hold the public office for which he is offering. If the superintendent determines that the candidate is not qualified, the superintendent shall withhold the name of the candidate from the ballot or strike his name from the ballot if the ballots have been printed.

(d) The elector filing the challenge or the candidate challenged shall have the right to appeal the decision of the superintendent by filing a petition in the superior court of the county in which the candidate resides within ten days after the entry of the final decision by the superintendent. The filing of the petition shall not itself stay the decision of the superintendent; however, the reviewing court may order a stay upon appropriate terms for good cause shown. As soon as possible after service of the petition, the superintendent shall transmit the original or a certified copy of the entire record of the proceedings under review to the reviewing court. The review shall be conducted by the court without a jury and shall be confined to the record. The court shall not substitute its judgment for that of the superintendent as to the weight of the evidence on questions of fact. The court may affirm the decision or remand the case for further proceedings. The court may reverse or

modify the decision if substantial rights of the appellant have been prejudiced because the findings, inferences, conclusions, or decisions of the superintendent are:

- (1) In violation of the Constitution or laws of this state;
- (2) In excess of the statutory authority of the superintendent;
- (3) Made upon unlawful procedures;
- (4) Affected by other error of law;
- (5) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (6) Arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

An aggrieved party may obtain a review of any final judgment of the superior court by the Court of Appeals or the Supreme Court, as provided by law. (Code 1933, § 34-406, enacted by Ga. L. 1980, p. 312, § 2; Ga. L. 1983, p. 884, § 6-3; Ga. L. 1986, p. 32, § 1; Ga. L. 1987, p. 1360, § 2; Ga. L. 1989, p. 900, § 2.)

**21-2-7. Eligibility of subversive persons for nomination or election to public office.**

No person who has been adjudged a "subversive person," as defined in Part 2 of Article 1 of Chapter 11 of Title 16, the "Sedition and Subversive Activities Act of 1953," shall be nominated or elected in accordance with this chapter. (Code 1933, § 34-106, enacted by Ga. L. 1964, Ex. Sess., p. 16, § 1.)

**21-2-8. Eligibility for party nomination, public office, etc., of persons convicted and sentenced for fraudulent violation of primary or election laws, etc.; effect of disqualification of superintendent.**

No person shall be eligible for party nomination for or election to public office, nor shall he perform any official acts or duties as a superintendent, registrar, deputy registrar, poll officer, or party officer, as set forth in this chapter, in connection with any election or primary held under this chapter, if under the laws of this state, any other state, or the United States he has been convicted and sentenced, in any court of competent jurisdiction, for fraudulent violation of primary or election laws, malfeasance in office, or felony involving moral turpitude, unless such person's civil rights have been restored. In the event of the disqualification of the superintendent as described in this Code section, the clerk of the superior court shall act in his stead. (Code 1933, § 34-107, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1983, p. 930, § 2.)

**21-2-9. Date of election for Governor, congressmen, etc.**

The Governor, Lieutenant Governor, Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, Commissioner of Labor, members of Congress, Justices of the Supreme Court, Judges of the Court of Appeals, judges of the superior courts, district attorneys, members of the General Assembly, and county officers shall be elected in the November election next preceding the expiration of the term of office. (Orig. Code 1863, §§ 1245, 1265, 1266, 1267, 1268, 1270, 1274; Code 1868, §§ 1326, 1346, 1347, 1348, 1349, 1351, 1355; Ga. L. 1869, p. 22, §§ 1, 2; Ga. L. 1872, p. 29, § 2; Ga. L. 1872, p. 80, § 8; Code 1873, §§ 1305, 1319, 1320, 1321, 1323, 1327; Code 1882, §§ 1305, 1319, 1320, 1321, 1323, 1327; Ga. L. 1894, p. 40, § 1; Civil Code 1895, §§ 83, 97, 98, 99, 101, 105; Ga. L. 1898, p. 42, § 1; Ga. L. 1898, p. 43, § 1; Civil Code 1910, §§ 97, 111, 112, 113, 115, 119; Ga. L. 1913, p. 135, § 1; Ga. L. 1914, p. 47, § 1; Code 1933, §§ 34-2302, 34-2401, 34-2602, 34-2603, 34-2701, 34-2705; Ga. L. 1957, p. 102, § 1; Ga. L. 1957, p. 117, § 1; Code 1933, § 34-802, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1978, p. 1004, § 15; Ga. L. 1983, p. 884, § 6-3; Ga. L. 1986, p. 855, § 3.)

**21-2-10. Election of presidential electors.**

At the November election to be held in the year 1964 and every fourth year thereafter, there shall be elected by the electors of this state persons to be known as electors of President and vice-president of the United States and referred to in this chapter as presidential electors, equal in number to the whole number of senators and representatives to which this state may be entitled in the Congress of the United States. (Laws 1824, Cobb's 1851 Digest, p. 235; Code 1863, § 1251; Code 1868, § 1332; Code 1873, § 1311; Code 1882, § 1311; Civil Code 1895, § 89; Civil Code 1910, § 103; Code 1933, § 34-2501; Ga. L. 1958, p. 208, §§ 1, 3; Code 1933, § 34-1601, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1982, p. 3, § 21.)

**21-2-11. Performance of duties by presidential electors.**

The presidential electors chosen pursuant to Code Section 21-2-10 shall assemble at the seat of government of this state at 12:00 Noon of the day which is, or may be, directed by the Congress of the United States and shall then and there perform the duties required of them by the Constitution and laws of the United States. (Orig. Code 1863, § 1252; Code 1868, § 1333; Code 1873, § 1312; Ga. L. 1880-81, p. 67, § 1; Code 1882, § 1312; Ga. L. 1888, p. 33, § 1; Civil Code 1895, § 90;

Civil Code 1910, § 104; Code 1933, § 34-2502; Code 1933, § 34-1602, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-12. Procedure for filling presidential elector vacancies.**

If any such presidential elector shall die, or for any cause fail to attend at the seat of government at the time appointed by law, the presidential electors present shall proceed to choose by voice vote a person of the same political party or body, if any, as such deceased or absent presidential elector, to fill the vacancy occasioned thereby; and immediately after such choice the name of the person so chosen shall be transmitted by the presiding officer of the college to the Governor, who shall immediately cause notice of his election in writing to be given to such person. The person so elected, and not the person in whose place he shall have been chosen, shall be a presidential elector and shall, with the other presidential electors, perform the duties required of them by the Constitution and laws of the United States. (Laws 1824, Cobb's 1851 Digest, p. 240; Code 1863, § 1253; Code 1868, § 1334; Code 1873, § 1313; Code 1882, § 1313; Civil Code 1895, § 91; Civil Code 1910, § 105; Code 1933, § 34-2503; Code 1933, § 34-1603, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-13. Compensation of presidential electors; payment of expenses of electoral college.**

Each presidential elector shall receive from the state treasury the sum of \$50.00 for every day spent in traveling to, remaining at, and returning from the place of meeting and shall be entitled to mileage at the rate of 10¢ per mile to and from his home. The reasonable expenses of the electoral college shall likewise be paid by the director of the Fiscal Division of the Department of Administrative Services, in both cases upon warrants drawn by the presiding officer of the college. (Orig. Code 1863, § 1257; Code 1868, § 1338; Code 1873, § 1317; Code 1882, § 1317; Ga. L. 1882-83, p. 54, § 1; Civil Code 1895, § 95; Civil Code 1910, § 109; Code 1933, § 34-2507; Code 1933, § 34-1604, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-14. Computation of time as to exercise of privilege or discharge of duty under chapter.**

When the last day for the exercise of any privilege or the discharge of any duty prescribed or required by this chapter shall fall on a Saturday, Sunday, or legal holiday, the next succeeding business day shall be the last day for the exercise of such privilege or the discharge of such duty. (Code 1933, § 34-105, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 329, § 1.)

**21-2-15. Applicability of chapter.**

This chapter shall apply to any general or special election in this state to fill any federal, state, or county office, to any general or special primary to nominate candidates for any such office, and to any federal, state, or county election or primary for any other purpose whatsoever; provided, however, that it shall not apply to any municipal primary or election. (Code 1933, § 34-102, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-16. Construction of chapter.**

The provisions of this chapter, so far as they are the same as those of existing laws, are intended as a continuation of such laws and not as new enactments. The repeal by this chapter of any Act of the General Assembly, or part thereof, shall not revive any Act, or part thereof, heretofore repealed or superseded. This chapter shall not affect any act done, liability or penalty incurred, right accrued or vested, or nomination made prior to the taking effect of this chapter; nor shall they affect any action or prosecution then pending or to be instituted, to enforce any right or penalty then accrued or to punish any offense theretofore committed. (Code 1933, § 34-104, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-17. Designation of candidate's chief deputy clerk in elections for clerk of state court of certain counties.**

(a) This Code section shall apply only to counties with a population of 425,000 or more according to the United States decennial census of 1990 or any future such census.

(b) When a candidate for election to clerk of the state court of a county is required by law at any time before election to name the person whom such candidate will appoint as chief deputy if elected to office, the ballot for office shall include, below the name of the candidate, the name of each candidate's designated chief deputy, labeled as such.

(c) This Code section shall not be construed to require any action to fill a vacancy in the position of chief deputy of clerk of the state court of a county. (Code 1981, § 21-2-17, enacted by Ga. L. 1992, p. 2590, § 1.)

## ARTICLE 2

## SUPERVISORY BOARDS AND OFFICERS

## PART 1

STATE ELECTION BOARD, COUNTY BOARD OF ELECTIONS,  
AND COUNTY BOARD OF ELECTIONS  
AND REGISTRATION

## Subpart 1

## State Election Board

**21-2-30. Creation; composition; terms of service; vacancies; quorum; seal and bylaws; meetings.**

(a) There is created a state board to be known as the State Election Board, to be composed of the Secretary of State, an elector to be elected by a majority vote of the Senate of the General Assembly at its regular session held in each odd-numbered year, an elector to be elected by a majority vote of the House of Representatives of the General Assembly at its regular session held in each odd-numbered year, and a member of each political party to be nominated and appointed in the manner provided in this Code section. No person while a member of the General Assembly shall serve as a member of the board.

(b) A member elected by a House of the General Assembly shall take office on the day following the adjournment of the regular session in which elected and shall serve for a term of two years and until his successor is elected and qualified, unless sooner removed. An elected member of the board may be removed at any time by a majority vote of the House which elected him. In the event a vacancy should occur in the office of such a member of the board at a time when the General Assembly is not in session, then the President of the Senate shall thereupon appoint an elector to fill the vacancy if the prior incumbent of such office was elected by the Senate or appointed by the President of the Senate; and the Speaker of the House of Representatives shall thereupon appoint an elector to fill the vacancy if the prior incumbent of such office was elected by the House of Representatives or appointed by the Speaker of the House of Representatives. A member appointed to fill a vacancy may be removed at any time by a majority vote of the House whose presiding officer appointed him.

(c) Within 30 days after April 3, 1968, the state executive committee of each political party shall nominate a member of its party to serve as a member of the State Election Board and, thereupon, the Governor shall appoint such nominee as a member of the board to serve for a term of

two years from the date of the appointment and until his successor is elected and qualified, unless sooner removed. Thereafter, such state executive committee shall select a nominee for such office on the board within 30 days after a vacancy occurs in such office and shall also select a nominee at least 30 days prior to the expiration of the term of each incumbent nominated by it; and each such nominee shall be immediately appointed by the Governor as a member of the board to serve for the unexpired term in the case of a vacancy, and for a term of two years in the case of an expired term. Each successor, other than one appointed to serve an unexpired term, shall serve for a term of two years; and the terms shall run consecutively from the date of the initial gubernatorial appointment. No person shall be eligible for nomination by such state executive committee unless he is an elector and a member in good standing of the political party of the committee. Such a member shall cease to serve on the board and his office shall be abolished if and when his political organization shall cease to be a "political party" as defined in Code Section 21-2-2.

(d) The Secretary of State shall be the chairman of the board. Three members of the board shall constitute a quorum, and no vacancy on the board shall impair the right of the quorum to exercise all the powers and perform all the duties of the board. The board shall adopt a seal for its use and bylaws for its own government and procedure.

(e) Meetings shall be held whenever necessary for the performance of the duties of the board on call of the chairman or two of its members. Minutes shall be kept of all meetings of the board and a record kept of the vote of each member on all questions coming before the board. The chairman shall give to each member of the board prior notice of the time and place of each meeting of the board.

(f) If any member of the board, other than the Secretary of State, shall qualify as a candidate for any public office which is to be voted upon in any primary or election regulated by the board, that member's position on the board shall be immediately vacated and such vacancy shall be filled in the manner provided for filling other vacancies on the board. (Ga. L. 1959, p. 59, § 1; Code 1933, § 34-201, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 862, § 1; Ga. L. 1969, p. 329, § 2.)

### **21-2-31. Duties.**

(a) It shall be the duty of the State Election Board:

(1) To supervise and coordinate the work of the office of the Secretary of State, superintendents, registrars, deputy registrars, poll officers, and other officials so as to obtain uniformity in their practices and proceedings and legality and purity in all primaries and elections;

(2) To formulate, adopt, and promulgate such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections; and, upon the adoption of

each rule and regulation, the board shall promptly file certified copies thereof with the Secretary of State and each superintendent;

(3) To publish and furnish to primary and election officials, from time to time, a sufficient number of indexed copies of all primary and election laws and pertinent rules and regulations then in force;

(4) To publish and distribute such explanatory pamphlets regarding the interpretation and application of primary and election laws as in the opinion of the board should be distributed to the electorate;

(5) To investigate when necessary or advisable the administration of primary and election laws and frauds and irregularities in primaries and elections and to report violations of the primary and election laws to the appropriate district attorney for further investigation and prosecution. Nothing in this paragraph shall be so construed as to require any complaining party to request an investigation by the board before he might proceed to seek any other remedy available to him under this chapter or any other provision of law;

(6) To make such recommendations to the General Assembly as it may deem advisable relative to the conduct and administration of primaries and elections;

(7) To employ such assistants as may be necessary; and

(8) To take such other action, consistent with law, as the board may determine to be conducive to the fair, legal, and orderly conduct of primaries and elections. (Ga. L. 1958, p. 269, § 45; Ga. L. 1959, p. 57, § 1; Code 1933, § 34-202, enacted by Ga. L. 1968, p. 862, § 2.)

**21-2-32. Institution of and intervention in court actions; filing of petition; notification of administrative judge of institution of proceedings; consideration of petition by administrative judge of adjoining district; compensation of presiding judge; granting of relief; notice; appellate review.**

(a) The State Election Board shall have the right to institute or to intervene as a party in any action in any court of this state or of the United States, seeking mandamus, injunction, or other relief, to compel compliance with any election or primary law of the state or with any valid rule or regulation of the board, or to restrain or otherwise prevent or prohibit any fraudulent or other illegal conduct in connection therewith, including the right to seek such relief for any anticipatory breach.

(b) Any petition seeking any of the relief authorized in subsection (a) of this Code section shall be filed in the superior court of the county of residence of the superintendent charged with the conduct of the election or primary in which it is alleged that there was or will be fraud or other illegal conduct.

(c) Upon the filing of such petition, the clerk of superior court having jurisdiction shall immediately notify the administrative judge for the judicial administrative district in which the county lies, or the district

court administrator, who shall immediately notify the administrative judge, of the institution of proceedings under this article. If the county in which the proceedings were instituted is not in the circuit of the administrative judge, the administrative judge shall select a superior court judge from within the district, but not from the circuit in which the proceeding was instituted, or a senior judge who is not a resident of the circuit in which the proceeding was instituted, to preside over the proceeding.

(d) If the administrative judge is a member of the circuit in which the proceeding was filed, or if the other judges of the district are unable or are unwilling to preside over the proceeding, or if the other judges of the district are judges of the circuit in which the proceeding was filed, then the administrative judge shall select an administrative judge of an adjoining district to select a superior court judge from that district, or a superior court judge from the district in which the proceeding was filed, but not the circuit in which the proceeding was filed, or a senior judge who is not a resident of the circuit wherein the proceeding was filed. In the event any temporary order is sought, the petition may be presented to the administrative judge prior to its filing for consideration of the application for such order. If the petition upon which temporary relief is sought prior to the filing will be filed in any county of the circuit of the administrative judge, then the petition may be presented to the administrative judge of an adjoining district prior to its filing for consideration of the application for such order.

(e) After a judge has agreed to preside over the case, the administrative judge who selected the judge to hear the matter shall enter an order in the superior court of the county where the proceeding was filed appointing such judge, and such judge shall promptly begin presiding over such proceedings in such court and shall determine same as soon as practicable. Such judge shall be reimbursed for his actual expenses for food and lodging and shall receive the same mileage as any other state officials and employees. Senior judges shall be entitled to compensation and reimbursement as the law provides for senior judge service.

(f) If, in the opinion of the judge presiding over such cause, adequate relief cannot otherwise be granted to assure compliance with said laws, rules, and regulations, the judge may enter such order concerning the conduct of such election or primary which he shall deem necessary to assure compliance, including the right to require such election or primary to be held under the supervision of the State Election Board.

(g) Upon any action being filed in any court of this state seeking relief affecting the calling, holding, conduct, determination, result, tabulation, or certification of any election or primary, except those instituted by the State Election Board, a copy of the proceeding shall be served upon such board by mailing a copy of same to the chairman by certified or registered mail; and a certificate that such service has been made shall be filed by the plaintiff or the plaintiff's attorney.

(h) Any verdict, judgment, decree, order, ruling, or other judicial action in such cases shall be subject to review by the appellate court having jurisdiction thereof. It shall be the duty of the proper appellate court to consider application for stays or supersedeas in such cases without regard to whether any appeal has been filed or the record docketed in such cases. (Code 1933, § 34-203, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1991, p. 608, § 1.)

### **21-2-33. Hearings before board.**

The State Election Board may examine under oath any person concerning any matter connected with or bearing on the proper discharge of its duties; and any member of the board may administer such oath. The board shall have full power to subpoena persons and papers and to compel the witnesses to answer under oath touching any questions which may properly come before the board and to take, through its agent, the depositions of witnesses. The board, in investigating the administration of primary and election laws within a county or any frauds or irregularities in primaries and elections held therein, shall conduct each hearing concerning same at a place within such county. No witness shall be compelled to attend if he should reside more than 100 miles from the place of hearing by the nearest practical route; provided, however, that the board may compel the taking of his testimony by deposition in the county of the residence of the witness. The sheriff of any county, or his deputy, or agent of the board shall serve all processes issued by the board; or the same may be served by registered or certified mail; and the production of an appropriate return receipt issued by the post office shall constitute prima-facie evidence of such service. In case of the refusal of any person subpoenaed to attend or testify, such facts shall be reported forthwith by the board to the appropriate superior court, or to a judge thereof, and such court or judge shall order such witness to attend and testify. On failure or refusal to obey such order, such witness shall be dealt with as for contempt. Any witness so subpoenaed, and after attending, shall be allowed and paid the same mileage and fee as now allowed and paid witnesses in civil actions in the superior court. (Code 1933, § 34-204, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

### **21-2-34. Compensation and expenses of members.**

Each member of the State Election Board shall receive a per diem in an amount equal to the per diem received by members of the General Assembly for each day or portion thereof spent in serving as members of the State Election Board. Each member of the State Election Board shall be paid his necessary traveling expenses while engaged in the business of the State Election Board. (Ga. L. 1958, p. 269, § 45; Code 1933,

§ 34-205, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1985, p. 496, § 2.)

### Subpart 2

#### County Board of Elections and County Board of Elections and Registration

#### **21-2-40. General Assembly authorized to create board of elections and board of elections and registration in any county.**

(a) The General Assembly may by local Act create a board of elections in any county of this state and empower the board with the powers and duties of the election superintendent relating to the conduct of primaries and elections.

(b) The General Assembly may by local Act create a board of elections and registration in any county of this state and empower the board with the powers and duties of the election superintendent relating to the conduct of primaries and elections and with the powers and duties of the board of registrars relating to the registration of voters and absentee balloting procedures. (Code 1981, § 21-2-40, enacted by Ga. L. 1982, p. 1292, § 2; Ga. L. 1983, p. 140, § 1; Ga. L. 1990, p. 243, § 8.)

### Subpart 3

#### Municipal Elections Conducted by Counties

#### **21-2-45. Authorization to create joint county-municipal boards of elections and boards of elections and registration; authorization for county to conduct elections.**

(a) The General Assembly may by local Act create a joint county-municipal board of elections in any county of this state for that county and any municipality located wholly or partially within that county and empower the board with the powers and duties of the election superintendent of that county and municipality with regard to the conduct of primaries and elections.

(b) The General Assembly may by local Act create a joint county-municipal board of elections and registration in any county of this state for that county and any municipality located wholly or partially within that county and empower the board with the powers and duties of the election superintendent of that county and municipality with regard to the conduct of primaries and elections and empower the board with the powers and duties of the registrars and board of registrars of that municipality and county with regard to the registration of voters and absentee-balloting procedures.

(c) The governing authority of any municipality may authorize any county within which that municipality wholly or partially lies to conduct any or all elections held pursuant to this chapter. In the event a municipality shall by ordinance authorize such county to conduct elections, such municipality may request such county to perform any or all of the functions:

(1) That the county shall perform all duties as superintendent of elections as specified under Chapter 3 of this title;

(2) That the county shall perform all duties as superintendent of elections as specified under Chapter 3 of this title, with the exception of the qualification of candidates; or

(3) That the county shall lease or loan any or all of its election equipment to the municipality for the purpose of conducting municipal elections without any responsibility on the part of the county for the actual conduct of the municipal election.

With reference to any election, such municipality shall pay such county all costs incurred in performing those functions which the municipality has requested the county to perform; and, unless otherwise authorized, such county shall only perform those functions specifically enumerated in the contract. Such county shall have authority to conduct elections in any and all counties in which any part of such municipality may lie. (Code 1981, § 21-2-45, enacted by Ga. L. 1984, p. 680, § 1; Ga. L. 1986, p. 772, § 1; Ga. L. 1987, p. 1360, § 3.)

## PART 2

### SECRETARY OF STATE

#### **21-2-50. Powers and duties.**

The Secretary of State shall exercise all the powers granted to him by this chapter and shall perform all the duties imposed upon him by this chapter, which shall include the following:

(1) To determine the forms of nomination petitions, ballots, and other forms he is required to determine under this chapter;

(2) To receive registration statements from political parties and bodies and to determine their sufficiency prior to filing, in accordance with this chapter, and to settle any disputes concerning such statements;

(3) To receive and determine the sufficiency of nomination petitions of candidates filing notice of their candidacy with him in accordance with this chapter;

(4) To certify to the proper superintendent official lists of all the political party candidates who have been certified to the Secretary of State as qualified candidates for the succeeding primary and to certify to the proper superintendent official lists of all the candidates who

have filed their notices of candidacy with him, both such certifications to be in substantially the form of the ballots to be used in the primary or election. The Secretary of State shall add to such form the language to be used in submitting any proposed constitutional amendment or other question to be voted upon at such election;

(5) To furnish to the proper superintendent all blank forms, including tally and return sheets, numbered lists of voters, cards of instructions, notices of penalties, instructions for marking ballots, tally sheets, precinct returns, consolidated returns, oaths of managers and clerks, oaths of assisted electors, voters certificates and binders, applications for absentee ballots, envelopes and instruction sheets for absentee ballots, and such other supplies as he shall deem necessary and advisable from time to time, for use in all elections and primaries. Such forms shall have printed thereon appropriate instructions for their use;

(6) To receive from the superintendent, the returns of primaries and elections and to canvass and compute the votes cast for candidates and upon questions, as required by this chapter;

(7) To furnish upon request a certified copy of any document in his custody by virtue of this chapter and to fix and charge a fee to cover the cost of furnishing same;

(8) To perform such other duties as may be prescribed by law;

(9) To determine and approve the form of ballots for use in special elections;

(10) To prepare and provide a notice to all candidates for federal or state office advising such candidates of such information, to include requirements of this chapter, as may, in the discretion of the Secretary of State, be conducive to the fair, legal, and orderly conduct of primaries and elections. A copy of such notice shall be provided to each superintendent for his further distribution to candidates for county and militia district offices;

(11) To conduct training sessions at such places as he deems appropriate in each year, for the training of registrars and superintendents of elections; and

(12) To prepare and publish, in the manner provided in this chapter, all notices and advertisements in connection with the conduct of elections which may be required by law. (Code 1933, § 34-301, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 329, § 3; Ga. L. 1970, p. 347, § 2; Ga. L. 1977, p. 1053, § 1; Ga. L. 1979, p. 955, § 1; Ga. L. 1983, p. 140, § 1; Ga. L. 1986, p. 382, § 1.)

**21-2-51. Opening of election records to members of public.**

Except when otherwise provided by law, the primary and election records of the Secretary of State, including registration statements, nomination petitions, affidavits, certificates, tally papers, returns, accounts, contracts, reports, and other documents in his custody shall be open to public inspection and may be inspected and copied by any elector of the state during usual business hours at any time when they are not necessarily being used by the Secretary of State or his employees having duties to perform in reference thereto; provided, however, that such public inspection thereof shall only be in the presence of the Secretary of State or his employee and shall be subject to proper regulation for the safekeeping of such documents and subject to the further provisions of this chapter. (Code 1933, § 34-302, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-52. Preservation of primary and election records.**

All primary and election documents in the office of the Secretary of State shall be preserved therein for a period of at least 24 months; and then the same may be destroyed unless otherwise provided by law. (Code 1933, § 34-303, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1970, p. 347, § 3; Ga. L. 1978, p. 1004, § 3.)

**PART 3****SUPERINTENDENTS****21-2-70. Powers and duties.**

Each superintendent within his county shall exercise all the powers granted to him by this chapter and shall perform all the duties imposed upon him by this chapter, which shall include the following:

(1) To receive and act upon all petitions presented by electors, the board of registrars, or the county executive committee of a political party for the division, redivision, alteration, change, or consolidation of precincts;

(2) To receive and determine the sufficiency of nomination petitions of candidates filing notice of their candidacy with him in accordance with this chapter;

(3) To prepare and publish, in the manner provided by this chapter, all notices and advertisements, in connection with the conduct of elections, which may be required by law, and to transmit immediately to the Secretary of State a copy of any publication in which a call for a special primary, election, or runoff is issued;

(4) To select and equip polling places for use in primaries and elections in accordance with this chapter;

(5) To purchase, except voting machines and voting recorders, preserve, store, and maintain election equipment of all kinds, including voting booths and ballot boxes and to procure ballots and all other supplies for primaries and elections;

(6) To appoint poll officers and other officers to serve in primaries and elections in accordance with this chapter;

(7) To make and issue such rules, regulations, and instructions, consistent with law, including the rules and regulations promulgated by the State Election Board, as he may deem necessary for the guidance of poll officers, custodians, and electors in primaries and elections;

(8) To instruct poll officers and others in their duties, calling them together in meetings whenever deemed advisable, and to inspect systematically and thoroughly the conduct of primaries and elections in the several precincts of his county to the end that primaries and elections may be honestly, efficiently, and uniformly conducted;

(9) To receive from poll officers the returns of all primaries and elections, to canvass and compute the same, and to certify, as soon as practicable following the primary and election, the results thereof to such authorities as may be prescribed by law;

(10) To announce publicly, by posting in his office, the results of all primaries and elections held in his county;

(11) To prepare annually a budget estimate of his expenses under this chapter, in which shall be set forth an itemized list of expenditures for the preceding two years and an itemized estimate of the amount of money necessary to be appropriated for the ensuing year and to submit the same at the time and in the manner and form other budget estimates of his county are now or may hereafter be required to be filed; and

(12) To perform such other duties as may be prescribed by law. (Code 1933, § 34-401, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1970, p. 347, § 4; Ga. L. 1981, p. 1718, § 1; Ga. L. 1982, p. 1512, § 5.)

### **21-2-71. Payment by county of superintendent's expenses.**

The governing authority of each county shall appropriate annually and from time to time, to the superintendent of such county, the funds that it shall deem necessary for the conduct of primaries and elections in such county and for the performance of his other duties under this chapter, including:

(1) Compensation of the poll officers, custodians, and other assistants and employees provided for in this chapter;

(2) Expenditures and contracts for expenditures by the superintendent for polling places;

(3) Purchase or printing, under contracts made by the superintendent, of all ballots and other election supplies required by this chapter, or which the superintendent shall consider necessary to carry out the provisions of this chapter;

(4) Maintenance of voting machines, vote recorders, and of all other primaries and election equipment required by this chapter, or which the superintendent shall consider necessary to carry out this chapter; and

(5) All other expenses arising out of the performance of his duties under this chapter. (Code 1933, § 34-402, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1970, p. 347, § 5.)

### **21-2-72. Primary and election records to be open to public.**

Except when otherwise provided by law, the primary and election records of each superintendent, including nomination petitions, affidavits, certificates, tally papers, returns, accounts, contracts, reports, and other documents in his custody, except the contents of voting machines, shall be open to public inspection and may be inspected and copied by any elector of the county during usual business hours at any time when they are not necessarily being used by the superintendent or his employees having duties to perform in reference thereto; provided, however, that such public inspection shall only be in the presence of the superintendent or his employee and shall be subject to proper regulation for the safekeeping of such documents and subject to the further provisions of this chapter. The superintendent shall also, upon request, if photocopying equipment is available in the building in which the records are housed, make and furnish to any member of the public copies of any of such records upon payment of the actual cost of copying the records requested. (Code 1933, § 34-403, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1970, p. 347, § 6; Ga. L. 1982, p. 437, §§ 1; 2.)

### **21-2-73. Preservation of primary and election records.**

All primary and election documents in the office of the election superintendent of each county shall be preserved therein for a period of at least 24 months and then the same may be destroyed unless otherwise provided by law. (Code 1933, § 34-404, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1970, p. 347, § 7; Ga. L. 1978, p. 1004, § 4.)

**21-2-74. Creation of board to assume duties of superintendent in counties without a board of elections and in which judge of probate court is candidate for public office.**

If a county does not have a board of elections and if the judge of the probate court of that county is a candidate, with opposition, for any public office in a primary or election, a board to be composed of the judge of the probate court who shall serve as chairman, of an elector of the county named by the county democratic executive committee, and of an elector of the county named by the county republican executive committee shall assume the duties of the election superintendent for any such primary or election. (Code 1933, § 34-405, enacted by Ga. L. 1970, p. 347, § 8; Ga. L. 1971, p. 602, § 5.)

**21-2-75. Eligibility of persons holding elective public office to serve on county board of elections.**

No person who holds elective public office, as defined in this chapter and including every municipal office to which persons can be elected by a vote of the electors under the laws of this state, shall be eligible to serve as a member of a county board of elections during the term of such elective office; and the position of any county board of elections member shall be deemed vacant upon such member's qualifying as a candidate for elective public office, as defined in this chapter and including any municipal office to which persons can be elected by a vote of the electors under the laws of this state. (Code 1933, § 34-605.1, enacted by Ga. L. 1978, p. 1037, § 1.)

PART 4

POLL OFFICERS

**21-2-90. Appointment of chief manager and assistant managers.**

All elections and primaries shall be conducted in each precinct by a board consisting of a chief manager, who shall be chairman of such board, and two assistant managers assisted by clerks. The managers of each precinct shall be appointed by the superintendent. If the political parties involved elect to do so, they may submit to the superintendent, for his consideration in making such appointment, a list of qualified persons. When such lists are submitted to him, the superintendent, insofar as practicable, shall make his appointments so that there shall be equal representation on such boards for the political parties involved in such elections or primaries. The superintendent shall make each appointment by entering an order which shall remain of record in his office and shall transmit a copy of such order to the appointee. The

order shall include the name and address of the appointee, his title, and a designation of the precinct and primary or election in which he is to serve. (Code 1933, § 34-501, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 329, § 4; Ga. L. 1970, p. 347, § 9; Ga. L. 1982, p. 1512, § 5.)

### **21-2-91. Appointment of clerks.**

Prior to the opening of the polls in each precinct at each primary and election, the superintendent shall appoint a sufficient number of clerks to serve therein at such primary or election. If additional clerks are required during the day for the purpose of counting ballots, or for other purposes, the superintendent may appoint same. (Code 1933, § 34-502, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 329, § 5; Ga. L. 1983, p. 140, § 1.)

### **21-2-92. Qualifications of poll officers.**

Poll officers appointed pursuant to Code Sections 21-2-90 and 21-2-91 shall be judicious, intelligent, and upright electors of the county in which they are appointed and shall be able to read, write, and speak the English language. No poll officer shall be eligible for any nomination or public office or to be voted for at a primary or election at which he shall serve. However, a poll officer may serve in a primary in which he seeks election to party office unless prohibited by the rules of the party conducting the primary. (Code 1933, § 34-503, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

### **21-2-93. Oath of office for managers and clerks.**

Before entering upon their duties at any primary or election, all managers and clerks shall be duly sworn in the presence of each other. The chief manager shall first be sworn by an assistant manager and the assistant managers and clerks shall then be sworn by the chief manager. Each of them shall immediately sign in duplicate the oath taken by him upon forms to be furnished by the superintendent, and the same shall be attested by the officer who administered the oath. (Code 1933, § 34-504, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

### **21-2-94. Form of manager's oath.**

The following shall be the form of the oath to be taken by each manager:

"I, \_\_\_\_\_, do swear (or affirm) that I will as manager duly attend the ensuing election (or primary) during the continuance thereof, that I will not admit any person to vote, except

such as I shall firmly believe to be registered and entitled to vote at such election (or primary), according to the laws of this state, that I will not vexatiously delay or refuse to permit any person to vote whom I shall believe to be entitled to vote as aforesaid, that I will use my best endeavors to prevent any fraud, deceit, or abuse in carrying on the same, that I will make a true and perfect return of the said election (or primary), and that I will at all times truly, impartially, and faithfully perform my duties therein to the best of my judgment and ability.” (Code 1933, § 34-505, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

#### **21-2-95. Form of clerk’s oath.**

The following shall be the form of the oath to be taken by each clerk:

“I, \_\_\_\_\_, do swear (or affirm) that I will as a clerk attend the ensuing election (or primary) during the continuance thereof, that I will use my best endeavors to prevent any fraud, deceit, or abuse in carrying on the same, and that I will at all times truly, impartially, and faithfully perform my duties therein to the best of my judgment and ability.”

(Code 1933, § 34-506, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

#### **21-2-96. Administration of oaths by managers.**

Each of the managers shall have the power to administer oaths to any person claiming the right to vote or in any matter or thing required to be done or inquired into by them under this chapter. (Code 1933, § 34-507, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

#### **21-2-97. Identification badges for poll officers.**

Each poll officer, while in the performance of his duty, shall display conspicuously upon his person a badge showing his name and office; and such badge shall be supplied by the superintendent. (Ga. L. 1963, p. 506, § 1; Code 1933, § 34-510, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

#### **21-2-98. Compensation of poll officers.**

(a) The compensation of managers and clerks shall be fixed and paid by the superintendent.

(b) Notwithstanding the provisions of subsection (a) of this Code section, in all counties of this state having a population of 200,000 or more according to the United States decennial census of 1990 or any future such census, the minimum compensation for the chief manager shall be \$78.00 per diem; the minimum compensation for each assistant manager shall be \$66.00 per diem; and the minimum compensation for each

clerk shall be \$60.00 per diem. (Ga. L. 1896, p. 40, §§ 1, 2; Civil Code 1910, § 82; Code 1933, § 34-1303; Ga. L. 1952, p. 197, § 1; Ga. L. 1957, p. 218, § 1; Code 1933, § 34-508, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1982, p. 513, §§ 1, 2; Ga. L. 1992, p. 2590, § 2.)

**21-2-99. Instruction of poll officers as to use of voting machines or vote recorders; certificate of qualification.**

In precincts in which voting machines or vote recorders are to be used, the superintendent or the custodians appointed by him shall give instructions regarding the use of the voting machines or vote recorders, and regarding their duties in connection therewith, to all poll officers who are to serve at the primary or election and who have not been previously instructed and found qualified. Upon successful completion of such instruction, the superintendent shall give to each poll officer a certificate to the effect that such poll officer has been found qualified to conduct such primary or election with the voting machine or vote recorder. For the purpose of giving such instructions, the superintendent shall call such meeting or meetings of poll officers as shall be necessary. Each poll officer shall, upon notice, attend such meeting or meetings called for his instruction and receive such instructions as shall be necessary for the proper conduct of the primary or election with voting machines or vote recorders. No poll officer shall serve at any primary or election at which a voting machine or vote recorder is used unless he shall have received such instructions, shall have been found qualified to perform his duties in connection with the machine or recorder, and shall have received a certificate to that effect from the superintendent; provided, however, that this shall not prevent the appointment of a poll officer to fill a vacancy arising on the day of primary or election or on the preceding day. (Code 1933, § 34-509, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1983, p. 140, § 1.)

ARTICLE 3

REGISTRATION OF AND COMMITTEE ORGANIZATION OF  
POLITICAL PARTIES AND BODIES

**21-2-110. Filing of registration statements by political parties or bodies with the Secretary of State; contents of registration statement; amendments; filing fees; failure to file statement.**

(a) The chief executive officer of each political party or body operating in this state shall, within 60 days after the date of its organization or after June 24, 1964, whichever is later, file with the Secretary of State a registration statement setting forth:

- (1) Its name and the date and place of its creation;

- (2) The general purposes for which it was created;
  - (3) Certified copies of its charter, bylaws, rules, and regulations, and other documents of like dignity governing its organization and operation;
  - (4) The address of its principal office;
  - (5) The names, home addresses, and titles of the persons composing its governing committee and executive officers; and
  - (6) Such other information as the Secretary of State may require as necessary or appropriate in the public interest.
- (b) No registration statement of a party or body shall be filed if the name of such party or body is identical with, or deceptively similar to, the name of any other existing party or body which was organized earlier and is eligible at the time to file its registration statement with the Secretary of State.
- (c) Within 30 days after the occurrence of a change in the information contained in any registration statement, or prior amendment thereto, the chief executive officer of the party or body filing such statement shall file an amendment thereto setting forth the information necessary to maintain the currency of such statement.
- (d) The Secretary of State shall receive a fee of \$10.00 for filing each registration statement and a fee of \$2.00 for filing each amendment thereto.
- (e) A political party or body failing to file a registration statement as required by subsection (a) of this Code section shall not have its name or the names of its candidates placed on any nomination petition, ballot, or ballot label. (Code 1933, § 34-901, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-111. Establishment of state and county executive committees; membership and officers; duties; applicability of chapter to persons seeking party office in a primary.**

- (a) Each political party shall establish and maintain a state executive committee exercising state-wide jurisdiction and control over party affairs and a county executive committee in each county in which it holds a primary, exercising county-wide jurisdiction and control over party affairs. A party may establish and maintain such other committees as it may from time to time deem advisable. The membership of such committees shall be selected in the manner determined by the state executive committee. Each committee shall be presided over by a chairman and shall have a secretary and such other officers as deemed advisable.
- (b) The state executive committee of each political party shall formulate, adopt, and promulgate rules and regulations, consistent with law, governing the conduct of conventions and other party affairs. No such rule and regulation shall be effective until copies thereof, certified by the chairman, have been filed with the Secretary of State.

(c) The respective county executive committees of each political party shall formulate, adopt, and promulgate rules and regulations, consistent with law and the rules and regulations of the state executive committee, governing the conduct of conventions and other party affairs. No such rule and regulation shall be effective until copies thereof, certified by the chairman, have been filed with the superintendent of the county.

(d) Any person seeking party office in a primary shall be governed by this chapter relating to a person seeking party nomination in a primary insofar as such application is practicable. (Code 1933, § 34-902, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-112. Hearings before state committee; suspension of powers and duties of county committee; delegation of powers by state committee.**

(a) When the state executive committee of a political party has reason to believe that the orders, rules, or regulations of the state executive committee, relating to all party matters except the conduct of primaries, are not being, or will not be, fairly, impartially, or properly enforced or applied in any county by the county executive committee of the party in such county, the state executive committee shall issue to such county committee a written notice of opportunity for hearing.

(b) A notice of opportunity for hearing shall state the substance of the order which the state committee proposes to issue under subsection (e) of this Code section and advise such county committee of its right to a hearing upon request to the state committee if such request is received by it within the time specified in the notice.

(c) Whenever such county committee requests a hearing in accordance with this Code section, the state committee shall immediately set a date, time, and place for such hearing and shall forthwith notify the county committee thereof.

(d) A stenographic record of the testimony and other evidence submitted at the hearing shall be taken and filed with the state committee. Each witness appearing at the hearing shall be sworn prior to testifying.

(e) If the state committee does not receive a timely request for hearing or if a hearing is requested and conducted as provided in this Code section and the state committee determines that all or any part of the proposed relief described in the notice of opportunity for hearing should be granted, the state committee may issue an order, effective for a certain period, suspending and superseding all or any part of the powers and duties of the county committee and directing that the powers and duties which would have been exercised and performed by such county executive committee in those matters in which they have been suspended and superseded shall be exercised and performed by the persons designated by the state executive committee, who may be

residents of any county of this state, notwithstanding any other provision of this chapter.

(f) The state executive committee may delegate its powers under this Code section to a subcommittee. (Code 1933, § 34-903, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1970, p. 347, § 11.)

**21-2-113. Chief executive and county executive committees.**

(a) Each political body shall establish and maintain a chief executive committee exercising jurisdiction and control over body affairs in the area of the state in which it operates and a county executive committee exercising county-wide jurisdiction and control over body affairs in each county in which the body operates if it operates in two or more counties. A body may establish and maintain such other committees as it may from time to time deem advisable. The membership of such committees shall be selected in the manner determined by the chief executive committee. Each committee shall be presided over by a chairman and shall have a secretary and such other officers as deemed advisable.

(b) The chief executive committee of each political body shall formulate, adopt, and promulgate rules and regulations, consistent with law, governing the conduct of conventions and other body affairs. No such rule and regulation shall be effective until copies thereof, certified by the chairman, have been filed with the Secretary of State.

(c) The respective county executive committees of each political body shall formulate, adopt, and promulgate rules and regulations, consistent with law and the rules and regulations of the chief executive committee, governing the conduct of conventions and other body affairs. No such rule or regulation shall be effective until a copy thereof, certified by the chairman, has been filed with the superintendent of the county. (Code 1933, § 34-905, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

ARTICLE 4

SELECTION AND QUALIFICATION OF CANDIDATES AND  
PRESIDENTIAL ELECTORS

PART 1

GENERAL PROVISIONS

**21-2-130. Procedures for qualification of candidates generally.**

Candidates may qualify for an election by virtue of:

- (1) Nomination in a primary conducted by a political party;
- (2) Filing a nomination petition either as an independent candidate or as a nominee of a political body, if duly certified by the chairman

and the secretary of the political body as having been nominated in a duly constituted political body convention as prescribed in Code Section 21-2-172;

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

(4) In the case of an election for presidential electors, nomination as prescribed by rules of a political party;

(5) Substitute nomination by a political party or body or substitute nonpartisan nomination for judge as prescribed in Code Sections 21-2-134 and 21-2-155, respectively;

(6) Candidacy in a special election as prescribed in subsection (d) of Code Section 21-2-132;

(7) Incumbent qualifying as a candidate to succeed such incumbent as prescribed in subsection (d) of Code Section 21-2-132; or

(8) Nomination in a nonpartisan primary for the office of judge of a state court, judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court as prescribed in Code Section 21-2-138. (Code 1933, § 34-1001, enacted by Ga. L. 1970, p. 347, § 13; Ga. L. 1983, p. 1190, § 2; Ga. L. 1986, p. 890, § 1.)

**21-2-131. Fixing and publishing of qualification fees; manner of payment; distribution of fees paid.**

(a) Qualification fees for party and public offices shall be fixed and published as follows:

(1) The governing authority of any county, not later than February 1 of any year in which a general primary, nonpartisan primary, or general election is to be held, and at least 20 days prior to the special primary or election in the case of a special primary or special election, shall fix and publish a qualifying fee for each county office to be filled in the upcoming primary or election. Such fee shall be 3 percent of the annual salary of the office if a salaried office. If not a salaried office, a reasonable fee shall be set by the county governing authority, such fee not to exceed 3 percent of the income derived from such office by the person holding the office for the preceding year;

(2) Within the same time limitation as provided in paragraph (1) of this subsection, the Secretary of State shall fix and publish a qualifying fee for any candidate qualifying by this method with a state political party and for any candidate qualifying with the Secretary of State for a nonpartisan primary and for any candidate filing with the Secretary of State his notice of candidacy for a general or special election. Such fee shall be 3 percent of the annual salary of the office if a salaried office, except that the fee for members of the General Assembly shall be

\$400.00. If not a salaried office, a reasonable fee shall be set by the Secretary of State, such fee not to exceed 3 percent of the income derived from such office by the person holding the office for the preceding year;

(3) A reasonable qualifying fee may be set according to party rule for each political party office to be filled in a primary. Such fees shall be set and published by the county or state political party not later than February 1 of the year in which the primary is to be held for the filling of such party office.

(b) Qualifying fees shall be paid as follows:

(1) The qualifying fee for a candidate in a primary shall be paid to the county or state political party at the time the candidate qualifies;

(2) The qualifying fee for all other candidates shall be paid to the superintendent or Secretary of State at the time the notice of candidacy is filed by the candidate.

(c) Qualifying fees shall be prorated and distributed as follows:

(1) Fees paid to the county political party: 50 percent to be retained by the county political party with which the candidate qualified; 50 percent to be transmitted to the superintendent of the county with the party's certified list of candidates not later than 12:00 Noon of the third day after the deadline for qualifying in the case of a general primary and by 12:00 Noon of the day following the closing of qualifications in the case of a special primary. Such fees shall be transmitted as soon as practicable by the superintendent to the governing authority of the county, to be applied toward the cost of the primary and election;

(2) Fees paid to the state political party: 75 percent to be retained by the state political party; 25 percent to be transmitted to the Secretary of State with the party's certified list of candidates not later than 12:00 Noon of the third day after the deadline for qualifying in the case of a general primary and by 12:00 Noon of the day following the closing of qualifications in the case of a special primary. Such fees shall be transmitted as soon as practicable by the Secretary of State as follows: one-third to the state treasury and two-thirds to the governing authority of the county or counties in the district in which the candidate runs, such fees to be applied toward the cost of holding the primary and election. If the office sought by the candidate is filled by the vote of electors of more than one county, such fee shall be divided among the counties involved in proportion to the vote cast by each county in the preceding presidential election;

(3) Qualification fees paid to the superintendent of the county shall be transmitted by the superintendent as soon as practicable to the general fund of the governing authority of the county, to be applied toward the cost of holding the election;

(4) Qualification fees paid to the Secretary of State shall be prorated and distributed as follows: 25 percent to be transmitted to the state

treasury; 75 percent to be transmitted to the governing authority of the county or counties in the district in which the candidate runs, such fees to be applied toward the payment of the cost of holding the election. If the office sought by the candidate is filled by the vote of electors of more than one county, such fee shall be divided among the counties involved in proportion to the vote cast by each county in the preceding presidential election. (Ga. L. 1962, p. 504, § 1; Ga. L. 1963, p. 172, § 1; Code 1933, § 34-1004, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 329, § 10A; Code 1933, § 34-1013, enacted by Ga. L. 1970, p. 347, § 13; Ga. L. 1974, p. 4, § 2; Ga. L. 1982, p. 897, §§ 1, 2; Ga. L. 1983, p. 884, § 6-4; Ga. L. 1983, p. 1190, § 3; Ga. L. 1987, p. 1360, § 4; Ga. L. 1988, p. 294, § 1; Ga. L. 1989, p. 10, § 1; Ga. L. 1989, p. 643, § 1; Ga. L. 1992, p. 2510, § 1.)

**21-2-132. Filing notice of candidacy, nomination petition, and affidavit; payment of qualifying fee; pauper's affidavit and qualifying petition for exemption from qualifying fee.**

(a) The names of nominees of political parties nominated in a primary and the names of candidates nominated in a nonpartisan primary shall be placed on the election ballot without their filing the notice of candidacy otherwise required by this Code section.

(b) Candidates seeking nomination in a nonpartisan primary for the office of judge of a state court, judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court shall comply with the requirements of subsections (b.1) and (e) of this Code section, as modified by subsection (f) of this Code section, by the date prescribed and shall by the same date pay to the proper authority the qualifying fee prescribed by Code Section 21-2-131 in order to be eligible to have their names placed on the nonpartisan primary ballots.

(b.1) All candidates specified in subsection (b) of this Code section shall file their notice of candidacy and pay the prescribed qualifying fee by the date prescribed in this subsection in order to be eligible to have their names placed on the nonpartisan primary ballot by the Secretary of State or election superintendent, as the case may be, in the following manner:

(1) Each candidate for the office of judge of the superior court, Judge of the Court of Appeals, or Justice of the Supreme Court, or his agent, desiring to have his name placed on the nonpartisan primary ballot shall file a notice of his candidacy, giving his name, residence address, and the office he is seeking, in the office of the Secretary of State no earlier than 9:00 A.M. on the fourth Monday in April immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in April;

(2) Each candidate for the office of judge of a state court, or his agent, desiring to have his name placed on the nonpartisan primary

ballot shall file notice of his candidacy in the office of the superintendent of his county no earlier than 9:00 A.M. on the fourth Monday in April immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in April.

(c) All other candidates shall file their notice of candidacy and pay the prescribed qualifying fee by the date prescribed in this subsection in order to be eligible to have their names placed on the election ballot by the Secretary of State or election superintendent, as the case may be, in the following manner:

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

(2) Each candidate for a county office, or his agent, desiring to have his name placed on the election ballot shall file notice of his candidacy in the office of the superintendent of his county no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in June in the case of a general election and no earlier than the date of the call of the election and no later than 25 days prior to the election in the case of a special election.

(d) Each candidate required to file a notice of candidacy by this Code section shall, no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the election and no later than 12:00 Noon on the second Tuesday in July immediately prior to the election, file with the same official with whom he filed his notice of candidacy a nomination petition in the form prescribed in Code Section 21-2-170, except that such petition shall not be required if such candidate is:

(1) A nominee of a political party for the office of presidential elector when such party has held a national convention and therein nominated candidates for President and Vice President of the United States;

(2) Seeking office in a special election;

(3) An incumbent qualifying as a candidate to succeed such incumbent if, prior to the election in which such incumbent was originally elected to the office for which such incumbent seeks reelection, such incumbent filed a notice of candidacy and a nomination petition as required by this chapter;

(4) A candidate seeking election to the office of judge of a state court, judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court in a nonpartisan primary; or

(5) A nominee for a state-wide office by a duly constituted political body convention, provided that the political body making the nomination has qualified to nominate candidates for state-wide public office under the provisions of Code Section 21-2-180.

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

- (1) His residence, with street and number, if any, and his post office address;
- (2) His profession, business, or occupation, if any;
- (3) The name of his precinct;
- (4) That he is an elector of the county of his residence eligible to vote in the election in which he is a candidate;
- (5) The name of the office he is seeking;
- (6) That he is eligible to hold such office;
- (7) That he has never been convicted and sentenced in any court of competent jurisdiction for fraudulent violation of primary or election laws, malfeasance in office, or felony involving moral turpitude under the laws of this state or any other state or of the United States, or that his civil rights have been restored; and
- (8) That he will not knowingly violate this chapter or rules and regulations adopted under this chapter.

The affidavit shall contain such other information as may be prescribed by the officer with whom the candidate files his notice of candidacy.

(f) A pauper's affidavit may be filed in lieu of paying the qualifying fee otherwise required by this Code section and Code Section 21-2-138 by any candidate who has filed a qualifying petition as provided for in subsection (g) of this Code section. A candidate filing a pauper's affidavit instead of paying a qualifying fee shall under oath affirm his poverty and his resulting inability to pay the qualifying fee otherwise required. The form of the affidavit shall be prescribed by the Secretary of State and shall include a financial statement which lists the total income, assets, liabilities, and other relevant financial information of the candidate and shall indicate on its face that the candidate has neither the assets nor the income to pay the qualifying fee otherwise required. The affidavit shall contain an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required. The following warning shall be printed on the affidavit form prepared by the Secretary of State, to wit: "WARNING: Any person knowingly making any false statement on this affidavit commits the offense of false swearing and shall be guilty of a felony." The name of any candidate who subscribes and swears to an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required shall be placed on the ballot by the Secretary of State or election superintendent, as the case may be.

(g) No candidate shall be authorized to file a pauper's affidavit in lieu of paying the qualifying fee otherwise required by this Code section and

Code Section 21-2-138 unless such candidate has filed a qualifying petition which complies with the following requirements:

(1) A qualifying petition of a candidate seeking an office which is voted upon state wide shall be signed by a number of voters equal to one-fourth of 1 percent of the total number of registered voters eligible to vote in the last election for the filling of the office the candidate is seeking and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected. A qualifying petition of a candidate for any other office shall be signed by a number of voters equal to 1 percent of the total number of registered voters eligible to vote in the last election for the filling of the office the candidate is seeking and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected. However, in the case of a candidate seeking an office for which there has never been an election or seeking an office in a newly constituted constituency, the percentage figure shall be computed on the total number of registered voters in the constituency who would have been qualified to vote for such office had the election been held at the last general election and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected.

(2) Each person signing a qualifying petition shall declare therein that he is a duly qualified and registered elector of the state entitled to vote in the next election for the filling of the office sought by the candidate supported by the petition and shall add to his signature his residence address, giving municipality, if any, and county, with street and number, if any. No person shall sign the same petition more than once. Each petition shall support the candidacy of only a single candidate. A signature shall be stricken from the petition when the signer so requests prior to the presentation of the petition to the appropriate officer for filing, but such a request shall be disregarded if made after such presentation.

(3) A qualifying petition shall be on one or more sheets of uniform size and different sheets must be used by signers resident in different counties. The upper portion of each sheet, prior to being signed by any petitioner, shall bear the name and title of the officer with whom the petition will be filed, the name of the candidate to be supported by the petition, his profession, business, or occupation, if any, his place of residence with street and number, if any, the name of the office he is seeking, his political party or body affiliation, if any, and the name and date of the election in which the candidate is seeking election. If more than one sheet is used, they shall be bound together when offered for filing if they are intended to constitute one qualifying petition, and each sheet shall be numbered consecutively, beginning with number one, at the foot of each page. Each sheet shall bear on the bottom or back thereof the affidavit of the circulator of such sheet, setting forth:

(A) His residence address, giving municipality with street and number, if any;

(B) That each signer manually signed his own name with full knowledge of the contents of the qualifying petition;

(C) That each signature on such sheet was signed within 180 days of the last day on which such petition may be filed; and

(D) That, to the best of the affiant's knowledge and belief, the signers are registered electors of the state qualified to sign the petition, that their respective residences are correctly stated in the petition, and that they all reside in the county named in the affidavit.

(4) No qualifying petition shall be circulated prior to 180 days before the last day on which such petition may be filed, and no signature shall be counted unless it was signed within 180 days of the last day for filing the same.

(5) A qualifying petition shall not be amended or supplemented after its presentation to the appropriate officer for filing. (Ga. L. 1922, p. 97, § 3; Code 1933, § 34-1904; Ga. L. 1948, Ex. Sess., p. 3, § 1; Ga. L. 1962, p. 618, § 1; Code 1933, § 34-1001, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1965, p. 224, § 1; Ga. L. 1968, p. 826, § 1; Ga. L. 1968, p. 858, § 1; Ga. L. 1968, p. 871, § 5; Ga. L. 1969, p. 329, § 8B; Code 1933, § 34-1002, enacted by Ga. L. 1970, p. 347, § 13; Ga. L. 1971, p. 602, § 2; Ga. L. 1977, p. 1053, § 3; Ga. L. 1978, p. 1004, § 16; Ga. L. 1979, p. 955, § 4; Ga. L. 1981, p. 1718, §§ 4, 11; Ga. L. 1982, p. 1512, § 5; Ga. L. 1983, p. 140, § 1; Ga. L. 1983, p. 884, § 6-5; Ga. L. 1983, p. 930, § 3; Ga. L. 1983, p. 1190, § 4; Ga. L. 1984, p. 133, § 1; Ga. L. 1984, p. 780, § 1; Ga. L. 1984, p. 1038, § 1; Ga. L. 1985, p. 496, § 3; Ga. L. 1986, p. 32, § 1; Ga. L. 1986, p. 890, § 2; Ga. L. 1987, p. 647, § 1; Ga. L. 1987, p. 1360, § 5; Ga. L. 1989, p. 643, § 2; Ga. L. 1990, p. 243, § 1.)

**21-2-133. Giving of notice of intent of candidacy by write-in candidate or by person acting on candidate's behalf; filing of affidavit by person giving notice of intention of candidacy; limitations on candidacy; certification of candidates by Secretary of State.**

(a) No person elected on a write-in vote shall be eligible to hold office unless notice of his intention of candidacy was given 20 or more days prior to the election by the person to be a write-in candidate or by some other person or group of persons qualified to vote in the subject election, as follows:

(1) In a state general or special election, to the Secretary of State and by publication in a paper of general circulation in the state; or

(2) In a general or special election of county officers, to the superintendent of elections in the county in which he is to be a candidate and by publication in the official organ of the same county.

(b) In addition to the requirements contained in subsection (a) of this Code section, the person or persons giving notice of intention of candidacy for a write-in candidate shall also file, with the appropriate official specified in paragraph (1) or (2) of subsection (a) of this Code section, a copy of the notice as published with an affidavit stating that the notice has been published and including the name of the newspaper and the date of publication, not later than the fifth day after the deadline for filing and publishing such notice. The affidavit may be made by the person giving notice of intention of candidacy or by the publisher of the newspaper in which the notice was published or by an employee of the newspaper designated by the publisher.

(c) No person shall be eligible as a write-in candidate in a special or general primary, a special or general primary runoff, or in a special or general election runoff.

(d) No person shall be eligible as a write-in candidate in a general or special election if such person was a candidate for nomination or election to the same office in the immediately preceding primary.

(e) The Secretary of State shall certify to the election superintendent of each county affected at least ten days prior to the general or special election the names of all persons who have filed notices of intention to be write-in candidates with the Secretary of State. (Code 1933, § 34-1017, enacted by Ga. L. 1978, p. 1004, § 17; Ga. L. 1979, p. 963, § 1; Ga. L. 1987, p. 417, § 1; Ga. L. 1987, p. 1360, § 6; Ga. L. 1989, p. 682, § 1.)

**21-2-134. Restriction on nominated candidate's withdrawal and on filling of vacancy following withdrawal; filling of vacancy in party nomination caused by death or disqualification of candidate; death or disqualification of only candidate for office; death or disqualification following nonpartisan primary; nomination certificate.**

(a) No candidate nominated at any primary election or nonpartisan primary or nominated by means other than a primary may withdraw as a candidate at the ensuing general election. No vacancy on the ballot for a general election or for a nonpartisan election shall be filled except by reason of the death or disqualification of a candidate.

(b) Any vacancy in any party nomination filled by a primary created by reason of the death or disqualification of a candidate occurring after nomination may be filled in the following manner:

(1) In the case of a public office to be filled by the vote of the electors of the entire state in which the vacancy occurs after nomination but at least ten days prior to the election to fill the public office sought by such candidate, the vacancy may be filled by a substitute nomination made by a convention composed of the delegates of the county executive committee of such party in each county of the state. Immediately upon such vacancy occurring, the state executive com-

mittee or a subcommittee thereof appointed for the purpose shall fix a time within six days of the occurrence of such vacancy; shall select and provide a convenient place for the holding of such a convention, which shall be open to the public; and shall give notice thereof to the chairman and secretary of each county executive committee. Each county executive committee shall be entitled to select the number of delegates apportioned to it by the state executive committee; provided, however, that each county executive committee shall be entitled to select at least one delegate. Such apportionment of delegates among the counties shall be based substantially upon the population of the state according to the last United States decennial census or upon the number of votes cast within the state for the party's candidates for presidential electors in the last presidential election. A two-third's majority of the delegates of such county executive committees shall constitute a quorum for the transaction of business, and a majority of the delegates present while a quorum exists shall be sufficient to fill such nomination by a substitute nomination. Each delegate shall have one vote and all votes taken shall be by a roll-call vote. The records of the convention shall be filed with the state executive committee. In the event such a vacancy in party nomination shall occur during the ten days preceding the day of such an election, such vacancy may be filled by a substitute nomination made by the state executive committee or a subcommittee thereof appointed for the purpose;

(2) In the case of a public office for which a candidate must qualify with the state executive committee, except a public office to be filled by the vote of the electors of the entire state, the nomination may remain vacant or may be filled at the decision of the state executive committee of the party. The decision whether to fill such vacancy shall be made by the state executive committee by 4:00 P.M. on the next business day following the actual knowledge of the death or disqualification of the candidate. The decision of the state executive committee shall be immediately transmitted to the Secretary of State. If the Secretary of State has not been notified of the decision of the state executive committee by 4:30 P.M. on the next business day following the actual knowledge of the vacancy, it shall be conclusively presumed that the state executive committee has decided not to fill the vacancy. If the state executive committee decides not to fill the vacancy, the nomination shall remain vacant. If the state executive committee decides to fill the vacancy, the vacancy shall be filled by a substitute nomination made by the state executive committee or a subcommittee thereof appointed for that purpose; and

(3) In the case of a public office for which a candidate must qualify with the county executive committee, the nomination may remain vacant or may be filled at the decision of the state executive committee of the party. The state executive committee or a subcommittee thereof may determine on its own whether to fill the vacancy but is authorized,

though not required, to seek the recommendation of any of the following persons for the purpose of determining whether to fill the vacancy: the county executive committee, if any; persons from the area who are active in the party; persons who are present or former officials of the party; persons who presently hold political office or have sought political office as candidates of the party; or such other persons as the committee or subcommittee may desire to consult. The decision whether to fill such vacancy shall be made by the state executive committee by 4:00 P.M. on the next business day following the actual knowledge of the death or disqualification of the candidate. The decision of the state executive committee shall be immediately transmitted to the county superintendent. If the county superintendent has not been notified of the decision of the state executive committee by 4:30 P.M. on the next business day following the actual knowledge of the vacancy, it shall be conclusively presumed that the state executive committee has decided not to fill the vacancy. If the state executive committee decides not to fill the vacancy, the nomination shall remain vacant. If the state executive committee decides to fill the vacancy, the vacancy shall be filled by a substitute nomination made by the state executive committee or a subcommittee thereof appointed for that purpose. The state executive committee or a subcommittee thereof may determine on its own who shall fill the vacancy as a substitute nominee but is authorized, though not required, to seek the recommendation of any of the following persons for the purpose of determining the most suitable substitute nomination: the county executive committee, if any; persons from the area who are active in the party; persons who are present or former officials of the party; persons who presently hold political office or have sought political office as candidates of the party; or such other persons as the committee or subcommittee may desire to consult.

(c) Any vacancy occurring in any body nomination or party nomination filled by means other than by primary, by reason of the death or disqualification of any candidate after nomination, may be filled by a substitute nomination made by such committee as is authorized by the rules and regulations of the party or body to make nominations in the event of vacancies on the party or body ticket.

(d) If the death or disqualification of a candidate after nomination for any public office, except an office filled by a nonpartisan primary, would at the time of such event result in there being no candidate for that office on the ballot in the general election, then the vacancy shall be filled by a special primary which shall be open only to the party of such deceased or disqualified candidate and the office shall be filled by a special election as provided in Code Section 21-2-540.

(e) In the event a candidate dies or is disqualified after the nonpartisan primary but before the nonpartisan election, no special nonpartisan

primary shall be held and the nonpartisan election shall be conducted in the following manner:

(1) If the vacancy occurs prior to 60 days before the general election, the nonpartisan election shall be held on the date of the November election. If no candidate receives a majority of the votes cast, a runoff shall be held on the date of the general election runoff. Upon actual knowledge of the death or disqualification of a candidate, the Secretary of State shall reopen qualifications for any state office and the election superintendent shall reopen qualifications for any county office for a period of not less than one nor more than three days after notice has been published in a newspaper of appropriate circulation. The names of candidates who qualify shall be placed on the nonpartisan election ballot in the arrangement and form prescribed by the Secretary of State or the election superintendent but shall conform insofar as practicable with Code Section 21-2-285.1. The list of electors qualified to vote in the nonpartisan election shall be the same list as is used in the general election; and

(2) If the vacancy occurs within 60 days of the general election, the nonpartisan election shall be held on the date of the general election runoff. If no candidate receives a majority of the votes cast, a runoff shall be held on the fourteenth day after the election. Upon actual knowledge of the death or disqualification of a candidate, the Secretary of State shall reopen qualifications for any state office and the election superintendent shall reopen qualifications for any county office for a period of not less than one nor more than three days. All candidates who qualify shall be placed on the nonpartisan ballot. The form of the ballot shall be as prescribed by the Secretary of State or the election superintendent. The list of electors qualified to vote in the nonpartisan election shall be the same list as used in the general election.

(f) Upon the making of any such substitute nomination, in the manner prescribed in subsection (b) or subsection (c) of this Code section, it shall be the duty of the chairman and secretary of the convention or committee making the nomination to file with the Secretary of State or with the superintendent, as the case may be, a nomination certificate which shall be signed by such chairman and secretary. Every such certificate of nomination shall be sworn to by the chairman and secretary before an officer qualified to administer oaths. (Code 1933, § 34-1003, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 871, § 6; Ga. L. 1969, p. 329, §§ 9, 10; Ga. L. 1970, p. 347, § 13; Ga. L. 1978, p. 781, § 1; Ga. L. 1982, p. 3, § 21; Ga. L. 1985, p. 1430, § 1; Ga. L. 1987, p. 1360, § 7; Ga. L. 1989, p. 643, § 3.)

**21-2-135. Designation of specific office sought where office has multiple officeholders with same title.**

(a) In the case of a public office having multiple officeholders with the same title, each candidate shall, when:

- (1) Qualifying with his party in the case of a primary;
- (2) Filing his notice of candidacy in the case of an election;
- (3) Filing his notice of candidacy in the case of a nonpartisan primary; and
- (4) Filing his notice of candidacy as a write-in candidate,

designate the specific office he is seeking and name the person such candidate is seeking to succeed and give such other appropriate designation as may be required by the Secretary of State or election superintendent. The designation of the specific office and the name of the person whom a candidate is seeking to succeed in the case of a public office having multiple officeholders shall be entered on the ballot and ballot labels in such manner that in the ensuing primary or election such candidate shall only oppose the other candidate or candidates, if any, who designated the same specific office and the same name.

(b) In the case of the office of judge of a state court, judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court, the name of the person such candidate is seeking to succeed and such other designation as may be required by the Secretary of State or election superintendent shall be included in the title of the office on the ballot in all nonpartisan primaries and elections. (Code 1933, § 34-1002, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Code 1933, § 34-1015, enacted by Ga. L. 1970, p. 347, § 13; Ga. L. 1983, p. 1190, § 5; Ga. L. 1984, p. 133, § 1; Ga. L. 1991, p. 631, § 1.)

**21-2-136. Restriction on number of offices for which an individual may be nominated or be a candidate at any one election.**

No person shall be nominated, nor shall any person be a candidate in a primary or election, for more than one of the following public offices to be filled at any one election: Governor, Lieutenant Governor, Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, Commissioner of Labor, United States senator or representative in Congress, Public Service Commissioner, Justice of the Supreme Court, Judge of the Court of Appeals, judge of the probate court, clerk of the superior court, tax commissioner, tax collector, sheriff, judge of the superior court, county treasurer, county school superintendent, tax receiver, and members of the Senate and House of Representatives of the General Assembly. (Code 1933, § 34-1014, enacted by Ga. L. 1970, p. 347, § 13; Ga. L. 1984, p. 1, § 1; Ga. L. 1986, p. 855, § 4.)

**21-2-137. Qualifying with two political parties; qualifying as independent or political body candidate and as political party candidate.**

No person shall qualify with any political party as a candidate for nomination to any public office when such person has qualified for the same primary with another political party as a candidate for nomination by that party for any public office; nor shall a state executive committee or county executive committee of any political party certify any person as the candidate of that party when such person has previously qualified as a candidate for nomination for any public office for the same primary with another political party. No person shall file a notice of candidacy as an independent or political body candidate for any public office when such person has qualified for the same office to be filled at the same election with any political party; nor shall any person qualify with any political party when such person has filed a notice of candidacy as an independent or political body candidate for the same office to be filled at the same election. (Code 1933, § 34-1016, enacted by Ga. L. 1975, p. 686, § 1; Ga. L. 1983, p. 535, § 1.)

**21-2-138. Nonpartisan primaries and elections for judicial offices.**

The names of all candidates who have qualified with the Secretary of State for the office of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court of this state and the names of all candidates who have qualified with the election superintendent for the office of judge of a state court shall be placed on the ballot in a nonpartisan primary to be held and conducted jointly with the general primary in each even-numbered year. The names of candidates nominated in such nonpartisan primary shall be placed on the official ballot in the nonpartisan election which shall be held and conducted jointly with the regular general election in each even-numbered year. No candidates for any such office shall be nominated by a political party or by a petition as a candidate of a political body or as an independent candidate. In a nonpartisan primary, candidates for any such office shall have their names placed on the nonpartisan portion of each political party ballot by complying with the requirements prescribed in Code Section 21-2-132 specifically related to such nonpartisan candidates and by paying the requisite qualifying fees as prescribed in Code Section 21-2-131. The Secretary of State may provide for the printing of independent ballots containing the names of the nonpartisan judicial candidates for those voters not affiliated with a political party. Candidates shall be listed on the official ballot in a nonpartisan primary and in a nonpartisan election as provided in Code Sections 21-2-284.1 and 21-2-285.1, respectively. Except as otherwise specified in this chapter, the procedures to be employed in conducting the nonpartisan primary and nonpartisan election

of judges of state courts, judges of superior courts, Judges of the Court of Appeals; and Justices of the Supreme Court shall conform as nearly as practicable to the procedures governing general primaries and general elections; and such general primary and general election procedures as are necessary to complete this nonpartisan election process shall be adopted in a manner consistent with such nonpartisan primaries and nonpartisan elections. (Code 1933, § 34-1016, enacted by Ga. L. 1975, p. 1251, § 1; Ga. L. 1983, p. 1190, § 6; Ga. L. 1984, p. 133, § 1; Ga. L. 1984, p. 1490, § 7.)

**21-2-139. Nonpartisan elections for county offices, school boards, and school superintendents.**

Notwithstanding any other provisions of this chapter to the contrary, the General Assembly may provide by local Act for the nomination and election in nonpartisan primaries and elections of candidates to fill county judicial offices and offices of local school boards and school superintendents which are filled by the vote of the electors of said county or political subdivision. The procedures to be employed in such nonpartisan primaries and elections shall conform as nearly as practicable to the procedures governing nonpartisan primaries and nonpartisan elections as provided in this chapter. The election procedures established by any existing local law which provides for the nonpartisan nomination and election of candidates to fill county offices shall conform to the general procedures governing nonpartisan primaries and nonpartisan elections as provided in this chapter, and such nonpartisan primaries and nonpartisan elections shall be conducted in accordance with the applicable provisions of this chapter, notwithstanding the provisions of any existing local law. (Code 1981, § 21-2-139, enacted by Ga. L. 1983, p. 1190, § 7; Ga. L. 1985, p. 496, § 4.)

**21-2-140. Mandatory drug testing for candidates.**

(a) As used in this Code section, the term:

(1) "Candidate" means any person seeking to qualify for nomination or election to a state office in this state.

(2) "Established drug test" means the collection and testing of bodily fluids administered in a manner equivalent to that required by the Mandatory Guidelines for Federal Workplace Drug Testing Programs (HHS Regulations, 53, Fed. Reg. 11979, et seq., as amended) or other professionally valid procedures approved by the commissioner of human resources.

(3) "Illegal drug" means marijuana or any of the following controlled substances included in Schedule I or II of Code Section 16-13-25 or 16-13-26: cocaine; opiates; amphetamines; or phencycli-

dines, except when used pursuant to a valid prescription or when used as otherwise authorized by state or federal law.

(4) "State office" includes the office of any of the following: the Governor, Lieutenant Governor, Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, Commissioner of Labor, Justices of the Supreme Court, Judges of the Court of Appeals, judges of the superior courts, district attorneys, members of the General Assembly, and members of the Public Service Commission.

(b) Each candidate seeking to qualify for nomination or election to a state office shall as a condition of such qualification be required to certify that such candidate has tested negative for illegal drugs.

(c) At the time a candidate for state office qualifies for nomination or election, each such candidate shall file a certificate with the officer with whom such candidate qualifies stating that such candidate has been tested for illegal drugs as required under this Code section within 30 days prior to qualifying for nomination or election to state office and that the results of such test are negative. Such certificate shall be in a form approved by the Secretary of State from a laboratory listed by the commissioner of human resources under subsection (e) of this Code section. Such tests shall be conducted at the expense of the candidates; provided, however, that upon submission of a valid pauper's affidavit and a valid receipt, a candidate shall be reimbursed by the Secretary of State for the cost of such test in an amount not to exceed \$50.00. No candidate shall be allowed to qualify for nomination or election to a state office unless he or she presents such certificate for filing at the time of such qualification.

(d) The certificates required under subsection (c) of this Code section shall be filed with the Secretary of State and shall be available for public inspection. If a candidate qualifies with a political party for nomination or election to a state office, such party shall submit all such certifications to the Secretary of State at such time as such candidates are certified by the party to the Secretary of State. Such certificates shall be maintained by the Secretary of State for a period of three years.

(e) The commissioner of human resources shall be authorized to establish guidelines governing the administration of drug tests performed pursuant to this Code section and shall maintain a list of those laboratories qualified to conduct established drug tests.

(f) The commissioner of human resources and the Secretary of State shall be authorized to promulgate rules and regulations to carry out the provisions of this Code section. (Code 1981, § 21-2-140, enacted by Ga. L. 1990, p. 2015, § 1; Ga. L. 1992, p. 1612, §§ 1-3.)

## PART 2

## POLITICAL PARTY AND NONPARTISAN PRIMARIES

**21-2-150. Date of general primary; date of nonpartisan primary to nominate candidates for judicial offices.**

(a) Whenever any political party holds a primary to nominate candidates for public offices to be filled in the ensuing November election, such primary shall be held on the third Tuesday in July in each even-numbered year, except as provided in subsection (c) of this Code section.

(b) Whenever any nonpartisan primary is held to nominate candidates for the office of judge of the state court, judge of the superior court, Judge of the Court of Appeals, or Justice of the Supreme Court to be filled in the ensuing November election, such primary shall be held jointly with the political primaries on the third Tuesday in July in each even-numbered year, except as provided in subsection (c) of this Code section.

(c) Whenever the primary occurs during the same week of the national convention of either the political party whose candidates received the highest number of votes or the political party whose candidates received the next highest number of votes in the last presidential election, the general primary shall be conducted on the second Tuesday in July of such year. This subsection shall not apply unless the date of the convention of the political party is announced by the political party prior to April 1 of the year in which the general primary is conducted. (Ga. L. 1953, Jan.-Feb. Sess., p. 244, § 8; Ga. L. 1953, Nov.-Dec. Sess., p. 335, § 2; Ga. L. 1961, p. 432, § 1; Ga. L. 1962, p. 15, § 1; Code 1933, § 34-801, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1971, p. 602, § 1; Ga. L. 1980, p. 1256, § 2; Ga. L. 1983, p. 1190, § 8; Ga. L. 1984, p. 133, § 1; Ga. L. 1989, p. 643, § 4.)

**21-2-151. Authorization for political party primaries and for nonpartisan primaries for judicial offices.**

(a) A political party may elect its officials and shall nominate its candidates for public office in a primary. Except for substitute nominations as provided in Code Section 21-2-134 and nomination of presidential electors, all nominees of a political party for public office shall be nominated in the primary preceding the general election in which the candidates' names will be listed on the ballot.

(b) Candidates for the office of judge of the state courts, judge of the superior courts, Judge of the Court of Appeals, or Justice of the Supreme Court shall be nominated in a nonpartisan primary. Candidates seeking nomination to such judicial offices shall be nominated in the

nonpartisan primary preceding the nonpartisan election in which the candidates' names will be listed on the ballot.

(c) The primary held for such purposes shall be conducted by the superintendent in the same manner as prescribed by law and by rules and regulations of the State Election Board and the superintendent for general elections. Primaries of all political parties and all nonpartisan primaries shall be conducted jointly. (Code 1933, § 34-1005, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Code 1933, § 34-1004, enacted by Ga. L. 1970, p. 347, § 13; Ga. L. 1983, p. 1190, § 9; Ga. L. 1984, p. 133, § 1.)

**21-2-152. Conduct of primaries generally.**

Primaries shall be held and conducted in all respects in accordance with this chapter relating to general elections and the provisions of this chapter relating to general elections shall apply thereto, insofar as practicable and not inconsistent with any other provisions of this chapter. All such primaries shall be conducted in each precinct by the poll officers, by the use of the same equipment and facilities, so far as practicable, as are used for such general elections. (Code 1933, § 34-1005, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Code 1933, § 34-1008, enacted by Ga. L. 1970, p. 347, § 13; Ga. L. 1982, p. 1512, § 5.)

**21-2-153. Qualification of candidates for party nomination in a primary; posting of list of all qualified candidates; filing of affidavit with political party by each qualifying candidate.**

(a) A candidate for any party nomination in a primary may qualify by either of the two following methods:

(1) Payment of a qualifying fee pursuant to Code Section 21-2-131;

or

(2) (A) The submission of a pauper's affidavit by any candidate who has filed a qualifying petition as provided for in subsection (a.1) of this Code section, by which the candidate under oath affirms his poverty and his resulting inability to pay the qualifying fee otherwise required. The form of the affidavit shall be prescribed by the Secretary of State and shall include a financial statement which lists the total income, assets, liabilities, and other relevant financial information of the candidate and shall indicate on its face that the candidate has neither the assets nor the income to pay the qualifying fee otherwise required. The affidavit shall contain an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required. The following warning shall be printed on the affidavit form prepared by the Secretary of State, to wit: "WARNING: Any person knowingly making any false statement on this affidavit commits the offense of false swearing and shall be

guilty of a felony." The name of any candidate who subscribes and swears to an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required shall be placed on the ballot by the Secretary of State or election superintendent, as the case may be.

(B) If a candidate seeks to qualify for a county or militia district office, the pauper's affidavit and financial statement shall be presented to the county political party; otherwise, the candidate shall file his pauper's affidavit and financial statement with the state political party.

(a.1) No candidate shall be authorized to file a pauper's affidavit in lieu of paying the qualifying fee otherwise required by this Code section and Code Section 21-2-131 unless such candidate has filed a qualifying petition which complies with the following requirements:

(1) A qualifying petition of a candidate seeking an office which is voted upon state wide shall be signed by a number of voters equal to one-fourth of 1 percent of the total number of registered voters eligible to vote in the last election for the filling of the office the candidate is seeking and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected. A qualifying petition of a candidate for any other office shall be signed by a number of voters equal to 1 percent of the total number of registered voters eligible to vote in the last election for the filling of the office the candidate is seeking and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected. However, in the case of a candidate seeking an office for which there has never been an election or seeking an office in a newly constituted constituency, the percentage figure shall be computed on the total number of registered voters in the constituency who would have been qualified to vote for such office had the election been held at the last general election and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected.

(2) Each person signing a qualifying petition shall declare therein that he is a duly qualified and registered elector of the state entitled to vote in the next election for the filling of the office sought by the candidate supported by the petition and shall add to his signature his residence address, giving municipality, if any, and county, with street and number, if any. No person shall sign the same petition more than once. Each petition shall support the candidacy of only a single candidate. A signature shall be stricken from the petition when the signer so requests prior to the presentation of the petition to the appropriate officer for filing, but such a request shall be disregarded if made after such presentation.

(3) A qualifying petition shall be on one or more sheets of uniform size and different sheets must be used by signers resident in different

counties. The upper portion of each sheet, prior to being signed by any petitioner, shall bear the name and title of the officer with whom the petition will be filed, the name of the candidate to be supported by the petition, his profession, business, or occupation, if any, his place of residence with street and number, if any, the name of the office he is seeking, his political party or body affiliation, if any, and the name and date of the election in which the candidate is seeking election. If more than one sheet is used, they shall be bound together when offered for filing if they are intended to constitute one qualifying petition, and each sheet shall be numbered consecutively, beginning with number one, at the foot of each page. Each sheet shall bear on the bottom or back thereof the affidavit of the circulator of such sheet, setting forth:

(A) His residence address, giving municipality with street and number, if any;

(B) That each signer manually signed his own name with full knowledge of the contents of the qualifying petition;

(C) That each signature on such sheet was signed within 180 days of the last day on which such petition may be filed; and

(D) That, to the best of the affiant's knowledge and belief, the signers are registered electors of the state qualified to sign the petition, that their respective residences are correctly stated in the petition, and that they all reside in the county named in the affidavit.

(4) No qualifying petition shall be circulated prior to 180 days before the last day on which such petition may be filed, and no signature shall be counted unless it was signed within 180 days of the last day for filing the same.

(5) A qualifying petition shall not be amended or supplemented after its presentation to the appropriate officer for filing.

(b) Unless otherwise provided by law, all candidates for party nomination in a primary shall qualify as such candidates in accordance with the procedural rules of their party; provided, however, that no person shall be prohibited from qualifying for such office if he:

(1) Meets the requirements of such procedural rules;

(2) Is eligible to hold the office which he seeks;

(3) Is not prohibited from being nominated or elected by provisions of Code Section 21-2-7 or 21-2-8; and

(4) If party rules so require, affirms his allegiance to his party by signing the following oath:

"I do hereby swear or affirm my allegiance to the (name of party) Party."

(c) In the case of a general primary, the candidates or their agents shall commence qualifying at 9:00 A.M. on the fourth Monday in April immediately prior to the primary and shall cease qualifying at 12:00 Noon on the Friday following the fourth Monday in April. In the case of a special primary, the candidate shall qualify at least 15 days prior to the date of such primary.

(d) (1) Within one hour after the qualifications have ceased, the county executive committee of each political party shall post at the county courthouse a list of all candidates who have qualified with such executive committee, and the state executive committee of each political party shall post a list of all candidates who have qualified with such committee at the courthouse of the county in which such executive committee's office is located.

(2) Except as otherwise provided in Code Section 21-2-154, it shall be unlawful for any person to add or remove any candidates from either of the lists provided for in paragraph (1) of this subsection following the posting of such lists unless such candidates have died, withdrawn, or been disqualified. Any person who violates this paragraph shall be guilty of a misdemeanor.

(e) Each candidate for party nomination described in subsection (a) of this Code section shall file an affidavit with the political party at the time of his qualifying stating:

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

(2) His profession, business, or occupation, if any;

(3) The name of his precinct;

(4) That he is an elector of the county of his residence eligible to vote in the primary election in which he is a candidate for nomination;

(5) The name of the office he is seeking;

(6) That he is eligible to hold such office;

(7) That he has never been convicted and sentenced in any court of competent jurisdiction for fraudulent violation of primary or election laws, malfeasance in office, or felony involving moral turpitude under the laws of this state or any other state or of the United States, or that his civil rights have been restored; and

(8) That he will not knowingly violate this chapter or rules or regulations adopted under this chapter. (Code 1933, § 34-1006, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1966, p. 501, § 1; Ga. L. 1969, p. 329, § 11; Code 1933, § 34-1005, enacted by Ga. L. 1970, p. 347, § 13; Ga. L. 1974, p. 4, § 1; Ga. L. 1975, p. 575, § 1; Ga. L. 1976, p. 205, § 1; Ga. L. 1977, p. 1053, § 4; Ga. L. 1978, p. 1004, § 18; Ga. L. 1982, p. 3, § 21; Ga. L. 1982, p. 1512, § 5; Ga. L. 1983, p. 930, § 4; Ga. L. 1984, p. 1038, § 2; Ga. L. 1985, p. 206, § 1; Ga. L. 1985, p. 496, § 5; Ga. L. 1986, p. 32, § 1; Ga. L. 1987, p. 647, § 2; Ga. L. 1987, p. 1360, § 8; Ga. L. 1989, p. 643, § 5; Ga. L. 1989, p. 903, § 1; Ga. L. 1990, p. 243, § 2; Ga. L. 1992, p. 2510, § 2.)

**21-2-154. Certification of political party candidates.**

(a) At or before 12:00 Noon on the third day after the deadline for qualifying, the county executive committee of each political party shall certify to the superintendent and the state executive committee of each political party shall certify to the Secretary of State, on forms prescribed by the Secretary of State, all those candidates who have qualified with such committee for the succeeding general primary election. Such certification shall be accompanied by the appropriate amount of the qualifying fees paid by such candidates as prescribed in paragraph (1) or (2) of subsection (c) of Code Section 21-2-131. Such certification shall not be accepted if the political party has not registered with the Secretary of State as required in Article 3 of this chapter.

(b) Any candidate whose name does not appear on the list of candidates posted by a county executive committee or the state executive committee pursuant to subsection (d) of Code Section 21-2-153 shall not be certified under this Code section; provided, however, that the name of a candidate who has properly qualified whose name has been left off of the list of candidates through inadvertence or clerical error may be placed upon such list upon the filing of an affidavit by the county executive committee or the state executive committee, as appropriate, attesting to such inadvertence or error. The county executive committee of each political party shall attach to its certification a copy of the affidavits required by paragraph (2) of subsection (b) of Code Section 15-6-50, paragraph (2) of subsection (a) of Code Section 15-9-2, subparagraph (c)(2)(A) of Code Section 15-16-1, subsection (b) of Code Section 20-2-102, paragraph (2) of subsection (b) of Code Section 45-16-1, and paragraph (2) of subsection (b) of Code Section 48-5-210. (Code 1933, § 34-1006, enacted by Ga. L. 1970, p. 347, § 13; Ga. L. 1985, p. 496, § 6; Ga. L. 1989, p. 643, § 6; Ga. L. 1989, p. 903, § 2; Ga. L. 1989, p. 1091, § 5; Ga. L. 1990, p. 243, § 3.)

**21-2-155. Reopening of qualification for office in event of candidate's death prior to political party primary or nonpartisan primary; death of nominee.**

(a) In the event of the death of a candidate prior to the date of a political party primary, the state executive committee or other committee of the party authorized by party rule may reopen qualification for the office sought by the deceased candidate for a period of not less than one nor more than three days.

(b) In the event of the death of a candidate prior to the date of a nonpartisan primary, the Secretary of State shall reopen qualifications for the state office and the election superintendent shall reopen qualifications for the county office sought by the deceased candidate for a period of not less than one nor more than three days. (Code 1933,

§ 34-1007, enacted by Ga. L. 1970, p. 347, § 13; Ga. L. 1983, p. 1190, § 10; Ga. L. 1985, p. 1430, § 2.)

**21-2-156. Payment of primary expenses.**

The expenses of a primary shall be paid by the respective county, except that forms listed under paragraph (5) of Code Section 21-2-50 shall be furnished upon request by the Secretary of State. (Code 1933, § 34-1009, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1970, p. 347, § 13.)

PART 3

NOMINATION AND QUALIFICATION OF  
INDEPENDENT CANDIDATES, CANDI-  
DATES OF POLITICAL BODIES, AND  
PRESIDENTIAL ELECTORS

**21-2-170. Nomination of candidates by petition; form of petition; number of signatures required; manner of signing; limitations as to circulation and amendment of petitions; listing of such candidates on ballots.**

(a) Nominations of candidates for public office may be made by nomination petitions signed by electors and filed in the manner provided in this Code section. Such petition shall be in the form prescribed by the officers with whom they are filed, but such petitions shall provide sufficient space for the printing of the elector's name as well as for his signature. In addition to the other requirements provided for in this Code section, each elector signing a nomination petition shall also print his name thereon. No forms other than the ones prescribed in this Code section shall be used for nomination petitions.

(b) A nomination petition of a candidate seeking an office which is voted upon state wide shall be signed by a number of voters equal to 1 percent of the total number of registered voters eligible to vote in the last election for the filling of the office the candidate is seeking and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected. A nomination petition of a candidate for any other office shall be signed by a number of voters equal to 5 percent of the total number of registered voters eligible to vote in the last election for the filling of the office the candidate is seeking and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected. However, in the case of a candidate seeking an office for which there has never been an election or seeking an office in a newly constituted constituency, the percentage figure shall be computed on the total number of regis-

tered voters in the constituency who would have been qualified to vote for such office had the election been held at the last general election and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected.

(c) Each person signing a nomination petition shall declare therein that he is a duly qualified and registered elector of the state entitled to vote in the next election for the filling of the office sought by the candidate supported by the petition and shall add to his signature his residence address, giving municipality, if any, and county, with street and number, if any. No person shall sign the same petition more than once. Each petition shall support the candidacy of only a single candidate, except any political body seeking to have the names of its candidates for the offices of presidential electors placed upon the ballot through nomination petitions shall not compile a separate petition for each candidate for such office, but such political body shall compile its petitions so that the entire slate of candidates of such body for such office shall be listed together on the same petition. A signature shall be stricken from the petition when the signer so requests prior to the presentation of the petition to the appropriate officer for filing, but such a request shall be disregarded if made after such presentation.

(d) A nomination petition shall be on one or more sheets of uniform size and different sheets must be used by signers resident in different counties. The upper portion of each sheet, prior to being signed by any petitioner, shall bear the name and title of the officer with whom the petition will be filed, the name of the candidate to be supported by the petition, his profession, business, or occupation, if any, his place of residence with street and number, if any, the name of the office he is seeking, his political body affiliation, if any, and the name and date of the election in which the candidate is seeking election. If more than one sheet is used, they shall be bound together when offered for filing if they are intended to constitute one nomination petition, and each sheet shall be numbered consecutively, beginning with number one, at the foot of each page. Each sheet shall bear on the bottom or back thereof the affidavit of the circulator of such sheet, setting forth:

(1) His residence address, giving municipality with street and number, if any;

(2) That each signer manually signed his own name with full knowledge of the contents of the nomination petition;

(3) That each signature on such sheet was signed within 180 days of the last day on which such petition may be filed; and

(4) That, to the best of the affiant's knowledge and belief, the signers are registered electors of the state qualified to sign the petition, that their respective residences are correctly stated in the petition, and that they all reside in the county named in the affidavit.

(e) No nomination petition shall be circulated prior to 180 days before the last day on which such petition may be filed, and no signature shall

be counted unless it was signed within 180 days of the last day for filing the same.

(f) A nomination petition shall not be amended or supplemented after its presentation to the appropriate officer for filing.

(g) Only those candidates whose petitions are accompanied by a certificate sworn to by the chairman and secretary of a political body duly registered with the Secretary of State as required by Code Section 21-2-110, stating that the named candidate is the nominee of that political body by virtue of being nominated in a convention, as prescribed in Code Section 21-2-172, shall be listed on the ballot under the name of the political body. All petition candidates not so designated as the nominee of a political body shall be listed on the ballot in the independent column. (Ga. L. 1922, p. 97, § 3; Code 1933, § 34-1904; Ga. L. 1943, p. 292, § 1; Ga. L. 1962, p. 618, § 1; Code 1933, § 34-1010, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 257, § 1; Ga. L. 1968, p. 871, § 7; Ga. L. 1970, p. 347, § 13; Ga. L. 1974, p. 4, § 3; Ga. L. 1975, p. 861, § 1; Ga. L. 1979, p. 616, § 1; Ga. L. 1983, p. 140, § 1; Ga. L. 1986, p. 890, § 3; Ga. L. 1987, p. 34, § 1; Ga. L. 1990, p. 243, § 4; Ga. L. 1991, p. 133, § 1.)

**21-2-171. Examination of petitions; basis for grant or denial of filing; review and appeal of denial.**

(a) When any nomination petition is presented in the office of the Secretary of State or of any superintendent for filing within the period limited by this chapter, it shall be the duty of such officer to examine the same to the extent necessary to determine if it complies with the law. No nomination petition shall be permitted to be filed if:

- (1) It contains material errors or defects apparent on the face thereof;
- (2) It contains material alterations made after signing without the consent of the signers; or
- (3) It does not contain a sufficient number of signatures as required by law.

The Secretary of State or any superintendent may question the genuineness of any signature appearing on a petition or the qualification of any signer whose signature appears thereon and, if he shall thereupon find that any such signature is improper, such signature shall be disregarded in determining whether the petition contains a sufficient number of signatures as required by law. The invalidity of any sheet of a nomination petition shall not affect the validity of such petition if a sufficient petition remains after eliminating such invalid sheet.

(b) Upon the filing of a nomination petition, the officer with whom it is filed shall begin expeditiously to examine the petition to determine if it complies with the law. During such examination the officer shall have the right to summon by subpoena on two days' notice and interrogate

under oath the candidate named in the petition, any person who signed the petition, any person who executed or witnessed any affidavit or certificate accompanying the petition, or any other person who may have knowledge of any matter relevant to the examination. Such officer shall also have the right to subpoena on two days' notice any record relevant to the examination. No witness shall be compelled to attend if he should reside more than 100 miles from the place of hearing by the nearest practical route; provided, however, that the officer may compel the taking of his testimony by deposition in the county of the residence of the witness. The sheriff of any county, or his deputy, or agent of the officer shall serve all processes issued by the officer, or the same may be served by United States registered or certified mail; and the production of an appropriate return receipt issued by the United States post office shall constitute prima-facie evidence of such service. In case of the refusal of any person subpoenaed to attend or testify, such fact shall be reported forthwith by the officer to the appropriate superior court, or to a judge thereof, and such court or judge shall order such witness to attend and testify; and, on failure or refusal to obey such order, such witness shall be dealt with as for contempt. Any witness so subpoenaed, and after attending, shall be allowed and paid the same mileage and fee as now allowed and paid witnesses in civil actions in the superior court. The officer shall not be bound by technical rules of evidence in hearing such testimony. The testimony presented shall be stenographically recorded and made a part of the record of the examination. If the petition complies with the law, it shall be granted and the candidate named therein shall be notified in writing. If the petition fails to comply with the law, it shall be denied and the candidate named therein shall be notified of the cause for such denial by letter directed to his last known address. In neither case shall the petition be returned to the candidate.

(c) The decision of the officer denying a nomination petition may be reviewed by the superior court of the county containing the office of such officer upon an application for a writ of mandamus to compel the granting of such petition. The application for such writ of mandamus shall be made within five days of the time when the petitioner is notified of such decision. Upon the application being made, a judge of such court shall fix a time and place for hearing the matter in dispute as soon as practicable; and notice thereof shall be served with a copy of such application upon the officer with whom the nomination petition was filed and upon the petitioner. At the time so fixed the court, or any judge thereof assigned for the purpose, shall hear the case. If after such hearing the said court shall find that the decision of the officer was erroneous, it shall issue its mandate to the officer to correct his decision and to grant the nomination petition. From any decision of the superior court an appeal may be taken within five days after the entry thereof to the Supreme Court. It shall be the duty of the Supreme Court to fix the hearing and to announce its decision within such period of time as will

permit the name of the candidate affected by the court's decision to be printed on the ballot if the court should so determine. (Code 1933, § 34-1011, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1970, p. 347, § 13.)

**21-2-172. Nomination of presidential electors and candidates of political bodies by convention.**

(a) Any political party desiring to nominate its presidential electors by convention, any political body desiring to nominate its candidates qualifying with petitions by convention, and any political body desiring to nominate its candidates for state-wide public office by convention by virtue of qualifying under Code Section 21-2-180 shall, through its state executive committee, adopt rules and regulations in conformity with this Code section governing the holding of such conventions for the nomination of candidates for any state, district, or county office. Such rules and regulations shall be filed with the Secretary of State, and no amendment to such rules and regulations shall be effective unless filed with the Secretary of State at least 30 days prior to the date of such convention. The state party or body chairman of such political party or body and its secretary shall accompany the filing of such rules and regulations with their certificate certifying that the rules and regulations therein filed are a true and correct copy of the rules and regulations of the party pertaining to the nomination of candidates by the convention method.

(b) The Secretary of State shall examine all such rules and all amendments thereto as shall be filed with him within 15 days after receipt thereof. If, in the opinion of the Secretary of State, any rule or regulation, or any part thereof, does not meet the requirements prescribed by this Code section, he shall notify the state party or body chairman and secretary of such party or body in writing, stating therein his reasons for rejecting such rule or regulation. If, in the judgment of the Secretary of State, such rules and regulations meet the requirements prescribed by this Code section, they shall be approved.

(c) The Secretary of State shall not approve any such rules or regulations unless they provide:

(1) That a notice of the proposed date for the holding of any such convention must be published in a newspaper having a general circulation within the area to be affected at least ten days prior to the date of any such convention. Such notice shall also state the purpose for which the convention has been called;

(2) That delegates to the convention shall be certified pursuant to appropriate party or body rules by the proper party or body officials;

(3) That delegates to the convention shall be apportioned in such manner as will properly reflect the number of electors residing within the political subdivisions or areas affected in accordance with the last United States decennial census, or apportioned according to the num-

ber of votes received by the party's candidate for the office of President of the United States in the last presidential election in the areas concerned, or apportioned according to the number of votes received by the party's candidate for the office of Governor of Georgia in the last gubernatorial election in the areas concerned;

(4) In the event that more than one county is involved, each county shall have at least one delegate to the convention, and such additional delegates as shall be allotted thereto shall be apportioned according to paragraph (3) of this subsection; and

(5) That a certified copy of the minutes of the convention, attested to by the chairman and secretary of the convention, must be filed by the nominee with his notice of candidacy.

(d) Any candidate nominated by convention shall be required to pay to the person with whom he files his notice of candidacy the same qualifying fee or the same pauper's affidavit and qualifying petition as that required of other candidates for the same office.

(e) A convention for the purpose of nominating candidates shall be held at least 150 days prior to the date on which the general election is conducted.

(f) Nothing contained within this Code section shall be construed so as to apply to the nomination of substitute candidates by convention pursuant to Code Section 21-2-134 or to the nomination of candidates in special elections. (Code 1933, § 34-1012, enacted by Ga. L. 1970, p. 347, § 13; Ga. L. 1986, p. 890, § 4; Ga. L. 1987, p. 34, § 1; Ga. L. 1987, p. 647, § 3; Ga. L. 1989, p. 643, § 7; Ga. L. 1990, p. 53, § 1.)

#### PART 4

#### NOMINATION OF CANDIDATES OF POLITICAL BODIES FOR STATE-WIDE PUBLIC OFFICE BY CONVENTION

#### **21-2-180. Manner of qualification.**

Any political body which is duly registered as provided for in Code Section 21-2-110 is qualified to nominate candidates for state-wide public office by convention if:

(1) The political body files with the Secretary of State a petition signed by voters equal in number to 1 percent of the registered voters who were registered and eligible to vote in the preceding general election; or

(2) At the preceding general election, the political body nominated a candidate for state-wide office and such candidate received a number of votes equal to 1 percent of the total number of registered voters who were registered and eligible to vote in such general election. (Code 1981, § 21-2-180, enacted by Ga. L. 1986, p. 890, § 5.)

**21-2-181. Filing of petitions generally.**

Petitions to qualify political bodies to nominate candidates for state-wide public office by convention shall be filed with the Secretary of State and shall be signed by voters in the manner provided in this part. Such petitions shall provide sufficient space for the printing of the voter's name and for the voter's signature. No forms other than those prescribed in this part shall be used for qualifying a political body to nominate candidates for public office. (Code 1981, § 21-2-181, enacted by Ga. L. 1986, p. 890, § 5; Ga. L. 1987, p. 34, § 1.)

**21-2-182. Contents of petitions; signatures.**

Each person signing a political body qualifying petition shall declare therein that such person is a duly qualified and registered voter of the state, entitled to vote in the next election for members of the General Assembly, and shall provide with such person's signature such person's residence address and county and the date of such person's signature. No person shall sign the same petition more than once. Each petition shall support the qualification of only one political body. No signature shall be valid if made more than 15 months prior to the submission of the petitions to the Secretary of State. A signature shall be stricken from the petition when the signer so requests prior to the presentation of the petitions to the Secretary of State for filing, but such request shall be disregarded if made after such presentation. (Code 1981, § 21-2-182, enacted by Ga. L. 1986, p. 890, § 5.)

**21-2-183. Form of petitions; affidavits of circulators.**

(a) A petition to qualify a political body to nominate candidates for public office by convention shall be on one or more sheets of uniform size, and different sheets must be used by signers residing in different counties. The upper portion of each sheet shall bear the name and title of the Secretary of State and the political body to be formed by the petition. If more than one sheet is used, they shall be bound together when offered for filing.

(b) Each sheet shall bear on the bottom or back thereof the affidavit of the circulator of such sheet setting forth:

- (1) The residence address of the circulator;
- (2) That each signer manually signed such signer's own name with full knowledge of the contents of the political body qualifying petitions;
- (3) That, to the best of the affiant's knowledge and belief, the signers are registered voters of the State of Georgia, qualified to sign the petition;

(4) That their respective residences are correctly stated in the petition; and

(5) That they all reside in the county named in the affidavit. (Code 1981, § 21-2-183, enacted by Ga. L. 1986, p. 890, § 5.)

**21-2-184. Restriction on amendment or supplementation.**

A petition to qualify a political body to nominate candidates for state-wide public office by convention shall not be amended or supplemented after its presentation to the Secretary of State for filing. (Code 1981, § 21-2-184, enacted by Ga. L. 1986, p. 890, § 5.)

**21-2-185. Filing deadline.**

No petition to qualify a political body shall be submitted to the Secretary of State for verification after the first Tuesday in August. (Code 1981, § 21-2-185, enacted by Ga. L. 1986, p. 890, § 5.)

**21-2-186. Examination of petitions; judicial review.**

Petitions to qualify a political body to nominate candidates for state-wide public office by convention shall be examined and shall be subject to judicial review in the same manner as provided for candidates nominated by petition pursuant to Code Section 21-2-171. (Code 1981, § 21-2-186, enacted by Ga. L. 1986, p. 890, § 5.)

**21-2-187. Holding of conventions; filing notice of candidacy.**

Political bodies shall hold their conventions in accordance with Code Section 21-2-172 and candidates nominated for state-wide public office in convention shall file a notice of candidacy no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in June as prescribed in Code Section 21-2-132; provided, however, that the political body must file its qualifying petition no later than the second Tuesday in July following the convention as prescribed in Code Section 21-2-185 in order to qualify its candidates to be listed on the general election ballot. (Code 1981, § 21-2-187, enacted by Ga. L. 1986, p. 890, § 5; Ga. L. 1987, p. 1360, § 9; Ga. L. 1989, p. 643, § 8.)

## ARTICLE 5

## PRESIDENTIAL PREFERENCE PRIMARY

**21-2-190. Short title.**

This article shall be known and may be cited as the "Georgia Presidential Preference Primary Law." (Code 1933, § 34-1001A, enacted by Ga. L. 1973, p. 221, § 1.)

**21-2-191. Designation of political parties and bodies which may hold primaries; dates; decision by political party or body to elect delegates to presidential nominating convention in primary; qualifying periods for candidates for delegate.**

(a) As provided in this article, a presidential preference primary shall be held in 1992 and every four years thereafter for each political party or body which has cast for its candidates for President and Vice President in the last presidential election more than 20 percent of the total vote cast for President and Vice President in the state, so that the electors may express their preference for one person to be the candidate for nomination by his party or body for the office of President of the United States; provided, however, that no elector shall vote in the primary of more than one political party or body in the same presidential preference primary. Such primary shall be held on March 3, 1992, and on the first Tuesday in March every four years thereafter. A state political party or body may by rule choose to elect any portion of its delegates to that party's or body's presidential nominating convention in the primary; and, if a state political party or body chooses to elect any portion of its delegates, such state political party or body shall establish the qualifying period for those candidates for delegate and delegate alternate positions which are to be elected in the primary and for any party officials to be elected in the primary and shall also establish the date on which state and county party executive committees shall certify to the Secretary of State or the superintendent, as the case may be, the names of any such candidates who are to be elected in the primary.

(b) Notwithstanding any provision of any local law to the contrary, any referendum or special election which is required to be held on the date of and in conjunction with the March 10, 1992, presidential preference primary pursuant to a local law shall not be conducted on that date but shall be held on the date of the March 3, 1992, presidential preference primary. (Code 1933, § 34-1002A, enacted by Ga. L. 1973, p. 221, § 1; Ga. L. 1974, p. 429, § 1; Ga. L. 1975, p. 1223, § 1; Ga. L. 1986, p. 220, § 1; Ga. L. 1992, p. 1, §§ 1, 1A.)

**21-2-192. Proclamation by Governor; copies of proclamation transmitted to superintendents.**

It shall be the duty of the Governor to issue his proclamation for such presidential preference primary, a copy of which shall be transmitted promptly by the Secretary of State to the superintendent of each county. (Code 1933, § 34-1008A, enacted by Ga. L. 1973, p. 221, § 1; Ga. L. 1975, p. 1223, § 3; Ga. L. 1986, p. 220, § 2.)

**21-2-193. Selection of candidates to appear on ballot; notification of candidates so selected; hearing to consider requests of candidates not selected that their names be placed on ballot.**

(a) The name of any candidate for a political party or body nomination for the office of President of the United States shall be printed upon the ballot used in such primary upon the direction of a presidential candidate selection committee composed of a nonvoting chairman who shall be the Secretary of State, and the Speaker of the House of Representatives, the majority leader of the Senate, the minority leaders of both the House and Senate, and the chairmen of the political parties and bodies who conduct a presidential preference primary pursuant to Code Section 21-2-191. The Secretary of State, during the first week in December of the year preceding the year in which a presidential preference primary is held, shall prepare and publish a list of names of potential presidential candidates who are generally advocated or recognized in news media throughout the United States as aspirants for that office and who are members of a political party or body which will conduct a presidential preference primary in this state; provided, however, that the Secretary of State shall not include on such list the name of any potential presidential candidate who, if elected to the office of President of the United States, would be ineligible under the Constitution and laws of the United States to serve in such elected office. The Secretary of State shall submit such list of names of potential presidential candidates to the selection committee during the second week in December of the year preceding the year in which a presidential preference primary is held. The selection committee shall meet in Atlanta during the third week in December of the year preceding the year in which a presidential preference primary is held, on a date publicly announced by the chairman. Each person designated by the Secretary of State as a presidential candidate shall appear upon the ballot of the appropriate political party or body unless all committee members of the same political party or body as the candidate agree to delete such candidate's name from the ballot. The selection committee shall publicly announce and submit the names of presidential candidates who shall appear on the presidential primary ballot to the Secretary of State no later than the end of the fourth week of December of the year preceding the year a presidential preference

primary is held. Not later than January 1 of each year in which a presidential preference primary is held, the Secretary of State shall notify each potential presidential candidate designated by the committee for inclusion on the primary ballot. Such notification shall be in writing by registered or certified mail with return receipt requested.

(b) Any presidential candidate whose name is not selected by the Secretary of State or whose name is deleted by the selection committee may request, in writing, to the chairman of the selection committee, prior to January 6 of each year in which a presidential preference primary is held, that his name be placed on the ballot. Not earlier than January 6, nor later than January 10, the Secretary of State shall convene the committee to consider such requests; provided, however, that the committee shall not consider any request to place the name of any potential presidential candidate on the ballot if such potential presidential candidate, if elected to the office of President of the United States, would be ineligible. If any member of the selection committee of the same political party or body as the candidate requests that such candidate's name be placed on the ballot, the committee shall direct the Secretary of State to place the candidate's name on the ballot. Within five days after such meeting, the Secretary of State shall notify the potential presidential candidate whether or not his name will appear on the ballot. (Code 1933, § 34-1003A, enacted by Ga. L. 1973, p. 221, § 1; Ga. L. 1980, p. 5, § 1; Ga. L. 1987, p. 1360, § 10.)

#### **21-2-194. Procedure for withdrawal of candidates.**

A candidate's name shall be printed on the appropriate primary ballot unless he submits to the Secretary of State by 12:00 Noon, January 15, in each year in which a presidential preference primary is held, an affidavit stating without qualification that he is not now and does not presently intend to become a candidate for the office of President of the United States at the upcoming nominating convention of his political party or body. If a candidate withdraws pursuant to this Code section, the Secretary of State shall notify the state executive committee of the political party or body of such candidate that the candidate's name will not be placed on the ballot. (Code 1933, § 34-1004A, enacted by Ga. L. 1973, p. 221, § 1; Ga. L. 1987, p. 1360, § 11.)

#### **21-2-195. Procedures by which delegates and alternates to national nominating conventions selected.**

The state executive committee of each political party or body shall determine the method and procedures by which delegates and delegate alternates to the national nominating conventions are to be selected as well as adopt any other rule not inconsistent with this article. The state executive committee of the political party or body shall establish, at least

90 days prior to the presidential preference primary, procedures to be followed in the nomination of candidates for delegates and delegate alternates to the nominating convention of the political party or body. A copy of any rule or regulation adopted by the state executive committee shall be sent to the Secretary of State within seven days after its adoption, to become a public record. (Code 1933, § 34-1005A, enacted by Ga. L. 1973, p. 221, § 1; Ga. L. 1975, p. 1223, § 2; Ga. L. 1979, p. 1316, § 1.)

**21-2-196. Qualification oath of delegates and alternates to national convention.**

Any person selected as a delegate or delegate alternate to such national convention shall file a qualification oath with the Secretary of State pledging support at the convention to the candidate of their political party or body for the office of President of the United States for whom they are selected to support. The oath shall state that the delegate or delegate alternate affirms to support such candidate until the candidate is either nominated by such convention or receives less than 35 percent of the votes for nomination by such convention during any balloting, or until the candidate releases the delegates from such pledge. No delegate shall be required to vote for such candidate after two convention nominating ballots have been completed. (Code 1933, § 34-1006A, enacted by Ga. L. 1973, p. 221, § 1.)

**21-2-197. Effect of withdrawal of presidential candidate.**

Any delegate to a national convention whose presidential candidate withdraws after being entitled to delegate votes pursuant to this article shall be an unpledged delegate to the national convention. (Code 1933, § 34-1007A, enacted by Ga. L. 1973, p. 221, § 1.)

**21-2-198. Assessment of qualifying fee for candidates listed on presidential preference primary ballot.**

No qualifying fee may be assessed for presidential candidates or for candidates for delegate or delegate alternate whose names are listed on a presidential preference primary ballot. (Code 1933, § 34-1009A, enacted by Ga. L. 1973, p. 221, § 1; Ga. L. 1975, p. 1223, § 4.)

**21-2-199. Election of political party committee members or officers at primary.**

The presidential preference primary may be considered as a general primary for any political party wishing to elect committee members or officers therein. Such party shall prescribe by state party charter, bylaws, or rules and regulations regarding qualifying of candidates and the fix-

ing and publishing of qualifying fees, if any. (Code 1933, § 34-1012A, enacted by Ga. L. 1975, p. 1223, § 7.)

**21-2-200. Applicability of general primary provisions; form of ballot.**

A presidential preference primary shall be conducted, insofar as practicable, pursuant to this chapter respecting general primaries, except as otherwise provided in this article. In setting up the form of the ballot, the Secretary of State shall provide for designating the name of the candidate to whom a candidate for delegate or delegate alternate is pledged, if any. Notwithstanding any provision of law to the contrary, with respect to the presidential preference primary to be held in 1992, ballots which are in conformance with all provisions of this chapter except for the date of the election printed on the ballot may be used in the presidential preference primary conducted in 1992 under the provisions of Code Section 21-2-191. (Code 1933, § 34-1011A, enacted by Ga. L. 1975, p. 1223, § 6; Ga. L. 1992, p. 1, § 3.)

ARTICLE 6

REGISTRATION OF VOTERS

**21-2-210. "Registration officers" defined.**

As used in this article, the term "registration officers" means one or more registrars or one or more deputy registrars or any combination thereof, as may be determined by the chief registrar. (Code 1933, § 34-601, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-211. Appointment, compensation, etc., of county registrars; designation and duties of chief registrar; appointment procedure in counties having populations greater than 600,000; training requirement.**

(a) The judge of the superior court in each county or the senior judge in time of service in those counties having more than one judge shall appoint quadrennially, upon the recommendation of the grand jury of such county, not less than three nor more than five judicious, intelligent, and upright electors of such county as county registrars. The grand jury shall submit to the judge the names of ten such electors and the appointment shall be made therefrom and shall be entered on the minutes of the court. When making such appointments, the judge will designate one of the registrars as chief registrar who shall serve as such during his term of office, and such designation shall likewise be entered on the minutes of the court. It shall be the duty of the clerk of the superior court to certify the appointments and designation to the Secretary of

State within 30 days after the appointments and designation, and commissions shall be issued as for county officers. When certifying such names to the Secretary of State, the clerk of the superior court shall also list the addresses of the registrars. The registrars shall serve for a term of four years and until their successors are appointed and qualified, except in the event of resignation or removal as provided in this Code section. Such judge will have the right to remove one or more of such registrars at any time for cause after notice and hearing. Any registrar shall have the right to resign at any time by submitting a resignation to such judge. In the event of any such removal or resignation of a registrar, his duties and authority as such shall terminate instantly. In case of the removal, death, or resignation of a registrar, the judge shall appoint a successor who shall serve until the next grand jury convenes, at which time the grand jury shall submit to the judge the names of two judicious, intelligent, and upright electors of such county; and the judge shall make his appointment from said list, such successor to serve the unexpired term of his predecessor in office. In the event the grand jury is in session at the time of any such death, removal, or resignation, such grand jury shall immediately submit the names of said electors to the judge for his appointment. Each such appointment or change in designation shall be entered on the minutes of the court and certified as provided in this Code section.

(b) The first appointees under this article shall take office on July 1, 1965, for a term of four years and until their successors are appointed and qualified, except in the event of resignation or removal as provided in subsection (a) of this Code section. The first new grand jury which convenes in each county in the year 1965, and each four years thereafter, shall submit to the judge the list of names as provided in subsection (a) of this Code section. Such list shall be submitted to the judge, who shall appoint the registrars and designate the chief registrar prior to June 30. No appointment for a full term shall be made prior to January 1 of the year in which the appointee is to take office. If no such grand jury is convened or, if convened but failed to recommend, the judge shall appoint the registrars without the necessity of any recommendation.

(c) The chief registrar shall be the chief administrative officer of the board of registrars and shall generally supervise and direct the administration of the affairs of the board of registrars. The chief registrar shall act as chairman of the board of registrars and, as chief registrar, shall perform those functions normally devolving upon the chairman. The chief registrar shall be compensated in an amount of not less than \$55.00 per day for each day of service on the business of the board of registrars. The other registrars shall be compensated in an amount of not less than \$44.00 per day for each day of service on the business of the board of registrars. In lieu of the per diem compensation provided for in this subsection, the chief registrar may be compensated in an amount not less

than \$247.50 per month and the other registrars in an amount not less than \$220.00 per month. The per diem or monthly compensation, as the case may be, shall be fixed, subject to the limitations provided for in this subsection, by the governing authority of each county and shall be paid from county funds. The compensation of other officers and employees appointed and employed under this article shall be fixed by the board of registrars with the approval of the governing authority of each county and shall be paid from county funds.

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

(e) (1) On and after January 1, 1990, the election superintendent and at least one registrar of the county or, in counties with boards of election or combined boards of election and registration, at least one member of the board or a designee of the board shall attend a minimum of 12 hours' training biennially as may be selected by the Secretary of State.

(2) The basis for the minimum requirement of training shall be two calendar years.

(3) A waiver of the requirement of minimum training, either in whole or in part, may be granted by the Secretary of State, in his discretion, upon the presentation of evidence by the election superin-

tendent, registrar, or board that the individual was unable to complete such training due to medical disability, providential cause, or other reason deemed sufficient by the Secretary of State.

(4) The cost of the training shall be borne by the governing authority of each county from county funds.

(5) The minimum training required under this Code section shall not apply to deputy registrars. (Ga. L. 1894, p. 115, §§ 7, 11; Civil Code 1895, §§ 50, 63; Civil Code 1910, §§ 52, 73; Code 1933, §§ 34-301, 34-1001; Ga. L. 1949, p. 1204, §§ 6, 7; Ga. L. 1950, p. 126, § 8; Ga. L. 1957, p. 385, § 1; Ga. L. 1958, p. 269, §§ 3, 4; Ga. L. 1961, p. 164, § 1; Code 1933, § 34-603, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1982, p. 3, § 21; Ga. L. 1982, p. 850, §§ 1, 2; Ga. L. 1986, p. 32, § 1; Ga. L. 1987, p. 417, § 2; Ga. L. 1989, p. 659, § 1; Ga. L. 1990, p. 1282, § 1; Ga. L. 1992, p. 2051, § 1.)

**21-2-212. Appointment of county deputy registrars; clerical help; appointment of county officer or employee as registrar; high school principals, college or university presidents, directors of area vocational schools, and public librarians as registrars.**

(a) (1) The board of registrars in each county shall appoint deputy registrars to aid them in the discharge of their duties. The number of deputy registrars appointed to serve shall be determined by the board of registrars, except that additional registrars shall be appointed as would reasonably be required to afford qualified citizens an opportunity to register. Such deputy registrars shall serve without compensation unless the governing authority of the county, by resolution, authorizes compensation. In appointing deputy registrars, the registrars shall select persons who are reasonably representative of a cross section of significantly identifiable groups of the communities or areas where they are to serve. Such deputy registrars shall be subject to the provisions of subsection (a) of Code Section 21-2-213.

(2) Registrars may hire clerical help to assist them in their duties if the compensation required therefor has been first approved by the governing authority of the county. Such additional clerks shall be eligible to be appointed as deputy registrars for the purpose of registering voters in the county and performing other duties as may be required, but it shall not be necessary for such clerks to be electors of the county in which employed.

(b) In every county wherein the registrars do not maintain an office which is open and staffed during regular business hours, the registrars shall designate and appoint as chief deputy registrar a full-time county officer or employee for the purpose of registering eligible electors and performing other duties as may be required by the board of registrars. The governing authority of the county shall provide for the compensa-

tion of the chief deputy registrar in an amount not less than \$200.00 per month. The name, business address, telephone number, and any other pertinent information relative to the chief deputy registrar shall be forwarded by the registrars to the Secretary of State's office, where such information shall be maintained on file.

(c) Each principal or assistant principal of every public or private high school, the president of every public or private college or university, or his designee, and the director of each area vocational school in this state shall be a deputy to the board of registrars for the purpose of registering as electors only those qualified applicants who are enrolled students within the principal's or director's school or the president's college or university or who are employed by the private high school or by the school system or by the college or university. Notwithstanding any other provision of law, in high schools, colleges or universities, or area vocational schools which are attended by students who reside outside of the county in which the school, college, or university is located, the principal or assistant principal of such high school, the president of such college or university or his designee, and the director of such area vocational school are authorized to register each qualified applicant who is enrolled as a student in the school, college, or university on behalf of such student's respective county of residence. Such principals, assistant principals, presidents or designees, and directors shall inform their students of the powers conferred upon such officials by this Code section and shall provide reasonable and convenient procedures to enable students who are qualified applicants to register. The principal of each public or private high school, the president of each public or private college or university, and the director of each area vocational school are authorized to invite a deputy registrar to the school, college, or university to register as electors those persons whom the principal, president or designee, or director would be authorized to register under this subsection. Code Section 21-2-213 shall not apply to the principal or assistant principal of any public or private high school, the president of any public or private college or university or his designee, or the director of any area vocational school who serves as a deputy registrar by virtue of this subsection.

(d) Each librarian of every municipal or county public library in this state shall be authorized to act as a deputy to the board of registrars for the purpose of taking applications for registration and registering qualified applicants as electors. Any librarian who elects to serve as a deputy registrar shall so notify the board of registrars in writing. Code Section 21-2-213 shall not apply to a librarian who serves as a deputy registrar by virtue of this Code section. (Ga. L. 1949, p. 1204, § 9; Ga. L. 1958, p. 269, § 6; Code 1933, § 34-604, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 871, § 1; Ga. L. 1971, p. 270, § 1; Ga. L. 1982, p. 1292, § 3; Ga. L. 1984, p. 1, § 2; Ga. L. 1984, p. 677, § 1; Ga. L. 1985, p. 1236, § 1; Ga. L. 1985, p. 1318, § 1; Ga. L. 1986, p. 932, § 1; Ga. L.

1987, p. 417, § 3; Ga. L. 1988, p. 752, § 1; Ga. L. 1989, p. 10, § 1; Ga. L. 1990, p. 143, § 1; Ga. L. 1990, p. 243, § 5; Ga. L. 1992, p. 56, § 1.)

**21-2-213. Qualifications of registrars and deputy registrars; training sessions regarding registration and election laws; appointments of county deputy registrars; registration by deputy registrars who are not residents of county.**

(a) Registrars and deputy registrars shall be electors of the county in which they are appointed and shall be able to read, write, and speak the English language. No person, while serving as a member of a county board of registrars, deputy registrar, or member of a county board of elections, or within a period of six months after so serving, shall be eligible for any nomination or office to be voted for at a general primary or general election or to qualify for any nomination or office or to have such person's name placed on any general primary or general election ballot pursuant to Code Sections 21-2-132 and 21-2-153 or to give notice of his intention of write-in candidacy; provided, however, that this ineligibility shall not apply to a chief deputy registrar who is also an elected public officer and who seeks to qualify for reelection to the public office such chief deputy registrar is presently holding. No person who is a member of a county board of registrars, deputy registrar, or member of a county board of elections shall be eligible for any nomination or office to be voted for at a special primary or special election or to qualify for any nomination or office or to have such person's name placed on any special primary or special election ballot pursuant to Code Sections 21-2-132 and 21-2-153 or to give notice of such person's intention of write-in candidacy until such person shall have resigned and is no longer serving as a registrar, deputy registrar, or member of a county board of elections. However, nothing contained in this Code section shall preclude a member of a county board of registrars, deputy registrar, or member of a county board of elections from qualifying for, or having such person's name placed on the ballot, or holding office in a political party or body or serving as a presidential elector. No member of a county board of elections, member of a county board of registrars, or deputy registrar, while conducting the duties of such person's office, shall engage in any political activity on behalf of a candidate, political party or body, or question, including, but not limited to, distributing campaign literature, engaging in any communication that advocates or criticizes a particular candidate, officeholder, or political party or body, and wearing badges, buttons, or clothing with partisan messages.

(b) In each county, one or more members of the county board of registrars, as well as the judge of the probate court of the county or one or more members of the county board of elections, as the case may be, or their designated representatives, shall attend a scheduled training session on registration and election laws in each year, to be conducted by

the Secretary of State. The governing authority of each county shall reimburse the registrars and the judge of the probate court or the members of the county board of elections, as the case may be, or their designated representatives for such expenses as they incur in attending such training sessions.

(c) In all counties of this state having a population of not less than 500,000 nor more than 575,000 according to the United States decennial census of 1990 or any future such census, the board of registrations and elections shall appoint the registrars and deputy registrars of each municipality lying wholly within the boundaries of any such county as deputy registrars of such county.

(d) Notwithstanding any other provision of law, public employees in a governmental building used as a permanent additional voter registration site or employees of a business used as a permanent additional voter registration site who are not residents of the county in which such permanent additional voter registration site is located may serve as deputy registrars at such site, but such deputy registrars shall be limited to registering only those electors who make application at such permanent additional voter registration site and who are qualified residents of the county in which the additional voter registration site is located. (Ga. L. 1955, p. 344, § 1; Code 1933, § 34-605, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1976, p. 468, § 1; Ga. L. 1978, p. 1004, § 6; Ga. L. 1978, p. 1035, § 1; Ga. L. 1979, p. 955, § 2; Ga. L. 1980, p. 1256, § 1; Ga. L. 1981, p. 1238, § 4; Ga. L. 1982, p. 1292, § 4; Ga. L. 1982, p. 2107, § 21; Ga. L. 1983, p. 140, § 1; Ga. L. 1985, p. 496, § 7; Ga. L. 1986, p. 32, § 1; Ga. L. 1986, p. 382, § 2; Ga. L. 1989, p. 661, § 1; Ga. L. 1990, p. 1238, § 1; Ga. L. 1991, p. 133, § 1; Ga. L. 1992, p. 1231, § 1; Ga. L. 1992, p. 2048, § 1.)

#### **21-2-214. Oath required of registrars and deputy registrars.**

Before entering upon his duties, each registrar and deputy registrar shall take the following oath before some officer authorized to administer oaths under the laws of this state:

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

(Ga. L. 1894, p. 115, § 7; Civil Code 1895, § 52; Civil Code 1910, § 54; Code 1933, § 34-303; Ga. L. 1949, p. 1204, § 8; Ga. L. 1958, p. 269, § 5; Code 1933, § 34-606, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)



Father's Name \_\_\_\_\_

Will assistance in voting be required in the manner permitted by Code Section 21-2-409? (Yes) (No)

Georgia, \_\_\_\_\_ County.

I do swear (or affirm) that I am a citizen of the United States, the State of Georgia, and this county; that I am at least 18 years of age, or will be on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; that I possess the qualifications of an elector required by the laws of this state; that I am not registered to vote in any other county, or I am registered in \_\_\_\_\_ County of the State of \_\_\_\_\_ and request cancellation of my registration; that I am not registered to vote under any other name; that I have correctly answered the questions appearing elsewhere on this card under the words: "Questions Propounded to Applicant"; and that the information contained on this card is true.

(Sign here) \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the following location:  
\_\_\_\_\_

\_\_\_\_\_  
(Deputy) Registrar

QUESTIONS PROPOUNDED TO APPLICANT

Have you ever been convicted in any court of competent jurisdiction of any felony involving moral turpitude, punishable by the laws of this state or any other state with imprisonment in the penitentiary? If so, what was the offense, the place, and court of conviction and the approximate date? If so, and if pardoned, what was the date of the pardon? If sentence has been completed, what was the date of completion?

\_\_\_\_\_  
Board of Registrars  
By: \_\_\_\_\_

(The space above shall be marked approved or rejected after the examination of the applicant's qualification.)

(b) (1) The registration cards for use by applicants for absentee registration shall be in the same form as the form of the registration card

provided for in subsection (a) of this Code section, except that the affidavit and questions propounded to the applicant portions shall be eliminated and in lieu thereof the following form of affidavit shall be used:

I do swear (or affirm) that I am a citizen of the United States, the State of Georgia, and this county; that I am at least 18 years of age, or will be on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; that my residence for voting purposes is located at \_\_\_\_\_ in such county; that my temporary address outside of this state is \_\_\_\_\_; or that I am otherwise qualified to register by absentee registration for the following reasons \_\_\_\_\_; that I possess the qualifications of an elector required by the Constitution of the State of Georgia; that I am not registered to vote in any other county, or I am registered in \_\_\_\_\_ County of the State of \_\_\_\_\_ and request cancellation of my registration; that I am not registered to vote under any other name; that I have never been convicted in any court of competent jurisdiction of any felony involving moral turpitude, punishable by the laws of the State of Georgia with imprisonment in the penitentiary or, if so convicted, that I was pardoned on \_\_\_\_\_, or my sentence was completed on \_\_\_\_\_; and that the information contained elsewhere on this card is true.

I declare that the above is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the above statement I shall be guilty of a misdemeanor and may be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than 12 months.

Date \_\_\_\_\_, 19\_\_\_\_.

(Sign here) \_\_\_\_\_

(2) (A) An absentee voter who is a member of the armed forces of the United States or the merchant marine, is a spouse or dependent of a member of the armed forces or the merchant marine residing with or accompanying said member, or is temporarily or permanently residing overseas and will be absent from his county of residence until after the time for registering for an ensuing primary or election may make proper application for absentee registration on the official post card provided for by the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff, et seq., as amended.

(B) Applicants for absentee registration who permanently reside overseas shall only be authorized to register to vote for presidential electors and United States senator or representative in Congress. The registration cards for use by applicants for absentee registration who permanently reside overseas shall be in the same form as the

form of the registration card in subsection (a) of this Code section, except that the affidavit and questions propounded to the applicant portions shall be eliminated and in lieu thereof the following form of affidavit shall be used:

I, the undersigned, do swear (or affirm):

(1) That I am a citizen of the United States;

(2) That I presently reside at \_\_\_\_\_ which is outside any of the states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands;

(3) That my last domicile (permanent residence) immediately prior to moving outside the United States was \_\_\_\_\_, in \_\_\_\_\_ County in the State of Georgia and I resided at that address from \_\_\_\_\_, 19\_\_\_\_, to \_\_\_\_\_, 19\_\_\_\_;

(4) That since leaving the State of Georgia I do not presently maintain, and I have not maintained, another domicile and I am not presently and have not since leaving the State of Georgia been registered to vote in another state or election district of another state or territory or in any territory or possession of the United States;

(5) That I have a valid passport or record 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 the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff, et seq., as amended, and applicable state or district requirements in the absence of a valid passport or card of identity and registration;

(6) That I am at least 18 years of age or will be on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_;

(7) That I have never been convicted in any court of competent jurisdiction of any felony involving moral turpitude, punishable by the laws of the State of Georgia with imprisonment in the penitentiary, or, if so convicted, that I was pardoned on \_\_\_\_\_ or my sentence was completed on \_\_\_\_\_; and

(8) That the information contained on the enclosed registration card is true.

(Sign here) \_\_\_\_\_

Signature shall be the same as name appearing elsewhere on card

I declare that the above is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the above statement I shall be guilty of a misdemeanor and may be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than 12 months.

Date \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Signature of voter

(3) A properly executed registration card submitted under the provisions of subparagraph (A) of paragraph (2) of this subsection, 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 Code Section 21-2-381, or a special absentee ballot under Code Section 21-2-381.1, as appropriate.

(c) (1) In any county in which one or more municipalities located in such county do not use the county registration system, the registration cards provided for in subsections (a) and (b) of this Code section shall consist of two identical parts connected in such a manner so that completion of the first part shall result in the duplication of all information on the second part. Such registration cards shall be so constructed that the two parts may be separated.

(2) In any county in which all municipalities located in such county use the county registration system, the registration cards provided for in subsections (a) and (b) of this Code section may consist of one part.

(d) So that all voter registration cards may be uniform throughout all 159 counties of the state, the Secretary of State is authorized to administer this Code section.

(e) In cases where a municipality does not elect to use the county registration system, the registrar shall forward the second part of the registration card provided for in subsection (c) of this Code section to the city clerk of the municipality. The city clerk shall transmit such registration card to the registrar of the municipality who shall check the name and identifying information of each applicant against the registration cards on file in the municipality so as to ensure that no voter is registered twice. If the registrar finds the applicant meets the qualifications for registration in the municipality, the registration card shall be placed on file in the registrar's office and the applicant's name shall be added to the electors list.

(f) Notwithstanding any other provision of this title to the contrary, the board of registrars for the county shall appoint the registrars in each municipality in the county, except in those municipalities electing to use the county registration lists, as deputy registrars of the county.

(g) Each blank registration card shall be numbered and shall have a correspondingly numbered, detachable receipt which shall be issued to the applicant for voter registration at the time such registration card has been completed by such applicant. Such receipt shall be signed by the registrar or deputy registrar taking the application and shall indicate the location of registration.

(h) After approving the registration of a voter, the board of registrars shall issue the voter a card which shall contain the voter's name and address, a block for the voter's signature, the date of the voter's registration, the name of the voter's precinct, the location of the precinct, and the number of the voter's congressional district, state Senate district, state House district, county commission district (if any), board of education district (if any), and city council, city commission, or other municipal district (if any). On the reverse side of the card there shall be printed instructions which shall indicate the procedure to be followed in the event of a change of address of the voter. The voter shall indicate the new address within the county in the space provided on such card and return the card to the board of registrars. Upon receipt of such card, the board of registrars shall make the necessary changes and issue a revised card. In the event the voter's election district or precinct changes, then a new card shall be issued. The Secretary of State shall provide such cards for use by the registrars; however, the board of registrars in each county may create and provide other cards in lieu of the cards provided by the Secretary of State, provided that such cards contain the information set forth in this subsection.

(i) In the event that the registrars are required to issue voters new cards under subsection (h) of this Code section due to changes in districts or precincts as a result of reapportionment or court order, the registrars may apply to the Secretary of State prior to June 30 of each year for reimbursement of the costs of postage with respect to mailing such cards during the 12 month period ending on June 30 of that year. The Secretary of State shall receive all such applications and shall, no later than June 30 of each year, reimburse the counties for such costs from funds specifically appropriated for that purpose. In the event that the total amount of the requests for reimbursement exceeds the funds appropriated for reimbursement, the Secretary of State shall reimburse the counties on a pro rata basis. In the event that no funds are specifically appropriated for reimbursement, no such reimbursement shall be made. (Ga. L. 1894, p. 115, § 2; Civil Code 1895, § 36; Civil Code 1910, § 36; Code 1933, § 34-103; Ga. L. 1949, p. 1204, § 11; Ga. L. 1958, p. 269, § 8; Code 1933, § 34-609, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 285, § 1; Ga. L. 1971, Ex. Sess., p. 61, § 5; Ga. L. 1974, p. 95, §§ 2, 3; Ga. L. 1976, p. 457, § 1; Ga. L. 1982, p. 1292, §§ 5, 6; Ga. L. 1982, p. 1512, § 5; Ga. L. 1983, p. 140, § 1; Ga. L. 1983, p. 930, § 5; Ga.

L. 1984, p. 1, § 3; Ga. L. 1984, p. 133, § 1; Ga. L. 1984, p. 1372, § 1; Ga. L. 1984, p. 1490, § 1; Ga. L. 1985, p. 206, § 1; Ga. L. 1985, p. 632, § 1; Ga. L. 1986, p. 32, § 1; Ga. L. 1986, p. 932, § 2; Ga. L. 1988, p. 647, § 1; Ga. L. 1989, p. 662, § 1; Ga. L. 1989, p. 849, § 1; Ga. L. 1990, p. 143, § 1A; Ga. L. 1992, p. 1060, § 1.)

**21-2-218. Location of main office of board of registrars; registration of electors at main office and at other designated locations; issuance of blank registration cards; advertisement of additional registration places; hours of operation of registration places; selection of registration places.**

(a) In those counties where the registrars have a main office separate from the office of the tax collector or tax commissioner, the registrars shall keep the completed registration cards and their other papers in such office which shall be in the courthouse or other public building. If no such office exists, the registrars shall keep the completed registration cards and their other papers:

(1) In the office of the tax collector or the tax commissioner, and such office shall be deemed the main office of the board of registrars; or

(2) In the office of the designated chief deputy registrar or other office designated by the board of registrars which is accessible at all times during normal working hours, and such office shall be deemed the main office of the board of registrars.

(b) For the purpose of taking applications for registration and for the purpose of registering electors, such number of registrars or deputy registrars as shall be designated by the chief registrar shall be stationed at such main office where the completed registration cards are kept at such times as the office is open during regular office hours. The board of registrars, in addition to the main office, shall designate every municipal and county public library wherein a librarian has elected to serve as a deputy registrar and other fixed places throughout the county as would be reasonably necessary to receive applications for registration and for the registration of electors. These additional offices for registration will have fixed hours of operation. Voter registration cards shall not be removed from the additional registration places except to be taken to the main office. The same degree of supervision and security provided for the main office to prevent registration irregularities will be provided to these additional offices. Blank registration cards shall be kept in the places designated for registration and completed registration cards shall be kept in the main office of the registrars, provided that completed registration cards may be retained temporarily at permanent additional

voter registration places but shall be transmitted to the main office as expeditiously as possible by a registrar or deputy registrar or by United States mail. In no event shall the completed registration cards be temporarily retained beyond the end of the next business day.

(c) Blank registration cards shall be numbered and shall be issued only to deputy registrars who shall give the chief registrar a receipt therefor. The chief registrar shall maintain such receipts as he does other voter registration records. Registration shall be conducted only at the main office of the board of registrars and at such additional places as have been designated by the board of registrars pursuant to this article.

(d) Additional registration places and the hours of operation shall be advertised in a newspaper of general circulation in the county or in the form of a public service announcement on radio or television one or more times at least three days prior to the first day for registration.

(e) The main office of the board of registrars in each county shall remain open for business during regular office hours on each business day, except Saturday. The main office, or such other offices, shall be open at such designated times other than the normal business hours as shall reasonably be necessary to facilitate registration and at such other hours as will suit the convenience of the public.

(f) All voter registration places shall be places open to the general public and frequented by the general public. Such places for temporary or permanent voter registration may include, but shall not be limited to, any of the following: churches, governmentally funded and managed public housing facilities, public social agencies, public child care centers, public recreation centers, public buildings and shopping centers, multi-family apartment complexes, child care centers, and educational facilities, provided that such places are in fact open to and frequented by the general public.

(g) The State Election Board shall adopt rules and regulations setting forth criteria governing the selection of voter registration places in conformity with the provisions of subsection (f) of this Code section. Boards of registrars shall not adopt rules nor utilize procedures inconsistent with such rules and regulations adopted by the State Election Board; provided, however, that nothing contained in this subsection shall supersede the ultimate authority of local boards in selecting additional voter registration sites. (Ga. L. 1949, p. 1204, § 13; Ga. L. 1958, p. 269, § 10; Ga. L. 1963, p. 73, § 1; Code 1933, § 34-610, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 871, § 2; Ga. L. 1978, p. 1004, §§ 8, 36; Ga. L. 1978, p. 1023, § 1; Ga. L. 1980, p. 1256, § 6; Ga. L. 1982, p. 442, §§ 1, 2; Ga. L. 1984, p. 1, § 4; Ga. L. 1984, p. 133, § 1; Ga. L. 1984, p. 635, § 1; Ga. L. 1984, p. 1430, § 1; Ga. L. 1985, p. 206, § 1; Ga. L.

1985, p. 496, § 8; Ga. L. 1985, p. 1318, § 2; Ga. L. 1986, p. 772, § 2; Ga. L. 1986, p. 932, § 3.)

**21-2-219. Qualifications of voters generally; reregistration of voters purged from list of electors; eligibility of voters who reside in another state but are ineligible to vote there; false statements under this Code section.**

(a) No person shall vote in any primary or election held in this state unless he shall be:

(1) Registered as an elector in the manner prescribed by law;

(2) A citizen of this state and of the United States;

(3) At least 18 years of age;

(4) A resident of this state and of the county in which he or she seeks to vote; and

(5) Possessed of all other qualifications prescribed by law.

(a.1) (1) No person who has been convicted of a felony involving moral turpitude may register, remain registered, or vote except upon completion of the sentence.

(2) No person who has been judicially determined to be mentally incompetent may register, remain registered, or vote unless the disability has been removed.

(b) Any person who possesses the qualifications of an elector except that concerning age shall be permitted to register to vote if such person will acquire such qualification within six months after the day of registration; provided, however, that such person shall not be permitted to vote in a primary or election until the acquisition of all specified qualifications.

(c) Notwithstanding any other provision of this article, any person who was qualified and registered to vote on June 24, 1964, shall not be required to reregister under the terms of this article unless such person shall have become or becomes disqualified to vote by reason of having been purged from the list of electors or for any other reason whatsoever, in which event such person shall, in order to become registered to vote, reregister under the terms of this article.

(d) If any citizen of this state begins residence in another state after the thirtieth day next preceding any election for President and Vice President and, for that reason, does not satisfy the registration requirements of that state, he shall be allowed to vote for presidential and vice presidential electors, in that election, in person in this state if he satisfied, as of the date of his change of residence, the requirements to vote in this

state, or by absentee ballot in this state if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in this state.

(e) Any person willfully making a false statement or affidavit under this Code section shall, upon first offense, be guilty of a misdemeanor and, upon the second and any subsequent offense, be guilty of a felony. (Ga. L. 1958, p. 269, § 2; Code 1933, § 34-602, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 847, § 1; Ga. L. 1970, p. 383, §§ 1, 2; Ga. L. 1971, Ex. Sess., p. 61, §§ 1-4; Ga. L. 1974, p. 95, § 1; Ga. L. 1975, p. 803, § 1; Ga. L. 1983, p. 140, § 1; Ga. L. 1983, p. 786, § 2.)

**21-2-220. Deadline for receiving registration applications for November election; temporary suspension of registration for subsequent elections.**

The registrars shall, in each year in which there is a November election, cease their operations of taking applications from persons desiring to vote in such election 30 days prior to such election except where this chapter prescribes a different deadline. During the period while the November list is being prepared, they may suspend the operation of taking applications from those desiring to vote in subsequent primaries and elections, provided that the main office shall be kept open at least one day and the same day in each week during this period for receiving applications. The registrars may also suspend the operation of taking applications on any day on which a primary or election is held. (Ga. L. 1908, p. 58, § 1; Civil Code 1910, § 38; Code 1933, § 34-106; Ga. L. 1949, p. 1204, § 14; Ga. L. 1958, p. 269, § 11; Code 1933, § 34-611, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1971, Ex. Sess., p. 61, § 6; Ga. L. 1975, p. 803, § 2.)

**21-2-221. Application to registration officer for voter registration; filling in of registration card; administration and reading of oath to applicant.**

Any person desiring to register as an elector shall apply to a registrar or a deputy registrar and shall furnish such officer with proper identification and information which will enable him to fill in all blanks appearing on the registration card. When any person who seeks to register as an elector is asked to provide proper identification by a registrar or a deputy registrar, as required by law, it shall be sufficient for the applicant to exhibit his valid driver's license, identification card issued by the Department of Public Safety pursuant to Article 5 of Chapter 5 of Title 40, birth certificate, credit card, food stamp card, social security card, check-cashing card, passport, school record, work identification record, utility bill, school identification, certified copy of marriage license, natur-

alized citizen certificate of citizenship, or Medicaid, medicare, or welfare identification. On completion of the form, the officer shall administer the oath to the applicant and then have him sign it, and the officer shall attest it. Upon request of the applicant, the officer taking the application shall read or repeat the oath distinctly to the applicant; and, if the applicant cannot sign his name, the officer shall sign it for him, the applicant making his mark thereto. (Ga. L. 1895, p. 115, § 3; Civil Code 1895, §§ 41, 42; Civil Code 1910, §§ 41, 42; Code 1933, §§ 34-107, 34-108; Ga. L. 1949, p. 1204, §§ 15, 16; Ga. L. 1958, p. 269, §§ 12, 13; Code 1933, § 34-612, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1981, p. 1718, § 2; Ga. L. 1984, p. 1, § 5; Ga. L. 1988, p. 639, § 1; Ga. L. 1990, p. 143, § 2.)

**21-2-222. Rejection of application for conviction of enumerated offenses; designation of board of registrars for each place of registration; approval of registration applications by board of registrars; rights, powers, and limitations of registrars and deputies appointed for the purpose of taking applications, examining applicants, and registering persons to vote at additional registration places.**

(a) If the answer to the question propounded to the applicant relating to the offenses enumerated in Article II, Section I, Paragraph III of the Constitution of Georgia is answered in the affirmative and the applicant has not been pardoned or the applicant has not completed his sentence, the registration officer shall reject the application. If such question is answered in the negative, the applicant shall be immediately subjected to an examination as to his qualifications. The examination of the applicant shall be conducted in accordance with the procedure prescribed in this article.

(b) Notwithstanding any other provision of this article, if additional places for registration have been designated, the chief registrar shall designate one or more registrars or one or more deputies, or any combination thereof, to act as a board of registrars for the purpose of taking applications for registration, examining applicants, and registering persons to vote at each place of registration. Any such application shall not be complete until approved by the board of registrars. While so acting, such registrar or registrars, or deputy or deputies, or combination thereof, shall have all the rights and powers and shall be subject to all the limitations that are applicable to the board of registrars. (Ga. L. 1949, p. 1204, § 17; Ga. L. 1958, p. 269, § 14; Ga. L. 1963, p. 73, § 2; Code 1933, § 34-613, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 871, § 3; Ga. L. 1978, p. 1004, § 9; Ga. L. 1983, p. 140, § 2; Ga. L. 1983, p. 930, § 6.)

**21-2-223. Rejection of application upon applicant's refusal to give information or giving of false information.**

The failure on the part of the applicant to disclose information sought by a direct question of the registration officers in connection with the taking of the application or at subsequent proceedings, or the giving of false information, shall result in the application being rejected by the registration officers and shall also be a cause for challenge, which, if sustained, shall result in the elector's name being removed from the list. (Ga. L. 1949, p. 1204, § 18; Ga. L. 1958, p. 269, § 15; Code 1933, § 34-614, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-224. Appeals from decisions denying or allowing registrations.**

Any person to whom the right of registration is denied by the registration officers shall have the right to take an appeal to the superior court of the county, and any elector may enter an appeal to such court from the decision of the registration officers allowing any person to register. All appeals must be filed in writing with the board of registrars within ten days from the date of the decision complained of and shall be returned by the board of registrars to the office of the clerk of such court to be tried as other appeals. Pending an appeal and until the final judgment of the case, the decision of the registration officers shall remain in full force. (Ga. L. 1949, p. 1204, § 19; Ga. L. 1958, p. 269, § 16; Code 1933, § 34-615, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-225. Notice to person whose right to remain on list of electors is questioned; failure to respond to notice or to appear at hearing; notification procedure upon rejection of application or removal from list.**

(a) If the right of any person to remain on the list of electors is questioned by the registrars, the registrars shall give such person written notice by first-class mail, sent to the address on his registration card, stating a place and time of hearing, not less than five nor more than 30 days from the date of notice, to determine the elector's eligibility to remain on the list of electors. The elector's failure to respond in person or by mail by the date set for the hearing shall constitute cause for removing the elector's name from the list of electors.

(b) Failure to appear at the time specified in any notice given under this article shall constitute cause for rejecting an application or of removing an elector's name from the list. In either event, no new application for registration shall be received from any such person until after the beginning of the next calendar year; provided, however, that an application may be reinstated and an elector's name returned to the list if such

person can satisfactorily account for his failure to appear at the time specified in such notice.

(c) In all cases under this article where an application is rejected or an elector's name is removed from the list, the registrars on the day of such event shall notify such person by mail directed to the address shown on the registration card. If any adverse decision is reached when such person is present and he is so notified by the board, no written notice shall be required. (Ga. L. 1894, p. 115, § 8; Civil Code 1895, § 58; Civil Code 1910, § 65; Code 1933, § 34-604; Ga. L. 1949, p. 1204, § 20; Ga. L. 1958, p. 269, § 17; Code 1933, § 34-617, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 285, § 2; Ga. L. 1981, p. 1798, § 1.)

#### **21-2-226. Retention of records of rejected applicants.**

In the event an applicant is refused registration by the registration officers, the application of such person and other material and records relative thereto shall be placed on file with the other records of the board of registrars for at least 20 years from the date of refusal. (Ga. L. 1960, p. 955, § 1; Code 1933, § 34-616, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1988, p. 752, § 2.)

#### **21-2-227. Procedure for registration of persons to vote in general primaries and elections other than November elections.**

(a) If any person whose name is not on such registration list desires to vote at any general primary or general election other than a November general election, he shall, 30 days prior to the primary election at which he desires to vote, apply to be registered as an elector; and his application shall be processed in the same manner as the application of persons qualifying to vote in a November general election.

(b) The registrars shall 30 days prior to such primary or election, other than the November general election, cease taking applications to qualify persons to vote in such primary or election and shall, as soon as practicable thereafter but in no event later than five days prior to such primary or election, pass upon such qualifications in the same manner as in other cases and file with the Secretary of State a certified supplemental list showing the names of additional electors who are entitled to vote at such primary or election subsequent to the preceding November election. The registrar shall determine and place on the official electors list each elector's proper congressional district, state Senate district, state House district, county commissioner district, if any, and county board of education district, if any, and, if the county maintains the electors list for municipalities within the county, the registrar shall also determine the proper city commission, city council, or other such municipal district for all electors residing in such municipalities. Any person whose name ap-

pears on such list may vote at such primary or election subject to the limitations prescribed in the proviso contained in the first sentence of Code Section 21-2-235. The registrar shall purge such list before filing the names of all persons who will not be qualified to vote at such primary or election. All electors on such list shall have the same rights as to the primaries and elections held subsequent to primaries or elections as persons on the list for the preceding November election. (Ga. L. 1949, p. 1204, § 30; Ga. L. 1958, p. 269, § 25; Code 1933, § 34-625, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1975, p. 803, § 3; Ga. L. 1985, p. 496, § 9; Ga. L. 1988, p. 752, § 3.)

**21-2-228. Registration of persons to vote in special primaries and elections.**

Any person who has registered for a general primary or election, if otherwise qualified to vote at any special primary or election occurring before the next November election, shall be listed and entitled to vote at such special primary or election. At the close of the registrars' business on the fifth day, excluding Saturdays, Sundays, and legal holidays and, if such date is a Saturday, Sunday, or a legal holiday, then on the next following business day, after the call of such special primary or election, the registrars shall cease taking applications from persons desiring to register to vote therein and proceed to examine the qualifications of the applicants in the same manner as provided in this article with reference to applicants desiring to qualify to vote in November elections, except when a special primary or special election is held at the same time as the general primary, the registration deadline for the special primary or special election shall be the same as the general primary, and when a special primary or special election is held at the same time as the general election, the registration deadline for the special primary or special election shall be the same as the general election. The registrars shall then prepare a supplemental list showing the names of additional electors who are entitled to vote at such special primary or election, and any person whose name appears on such list may vote at such special primary or election, subject to the limitations prescribed in the proviso contained in the first sentence of Code Section 21-2-235; but the registrars shall purge such list, before filing it, of all persons who will not be qualified to vote, in the same manner as provided with reference to the list for a November election. A certified list so prepared, arranged alphabetically, and divided according to precincts as in the case of November election lists shall be filed with the Secretary of State within ten business days after the call of such special primary or election. The registrars shall determine and place on the official electors list each elector's proper congressional district, state Senate district, state House district, county commissioner district, if any, and county school board district, if any, and, if the county maintains the electors list for municipalities within the

county, the registrar shall also determine the proper city commission, city council, or other such municipal district for all electors residing in such municipalities. It shall be the duty of the registrars upon the call of a special primary or election to purge the list of electors prepared for the last November election of any names subsequently disqualified for any reason and to furnish the poll officers of such special primary or election two lists, one composed of the names of electors entitled to vote by reason of their registration for the last November election and the other made up of the names of those entitled to vote by reason of their subsequent registration as provided in Code Section 21-2-227, subject to the limitations prescribed in the proviso contained in the first sentence of Code Section 21-2-235. No one shall be entitled to vote in such special primary or election unless his name is on one of the lists furnished by the registrars. The registrars may combine such lists. (Ga. L. 1894, p. 115, § 14; Ga. L. 1897, p. 95, § 1; Ga. L. 1908, p. 58, § 9; Civil Code 1910, § 61; Ga. L. 1911, p. 167, § 2; Code 1933, § 34-407; Ga. L. 1949, p. 1204, § 31; Ga. L. 1958, p. 269, § 26; Code 1933, § 34-626, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1982, p. 1512, § 5; Ga. L. 1983, p. 140, § 2; Ga. L. 1985, p. 496, § 10; Ga. L. 1986, p. 382, § 3; Ga. L. 1987, p. 1360, § 12; Ga. L. 1988, p. 752, § 4.)

**21-2-229. Time for closing registration to vote in special primaries or elections to be held at the time of the Georgia presidential preference primary.**

Notwithstanding Code Section 21-2-228, whenever a special primary or election is held at the time of the Georgia presidential preference primary provided for under Article 5 of this chapter, the time for closing of the registration list for the special primary or election shall be the same as that specified in this chapter for the closing of the registration list for the presidential preference primary. (Code 1933, § 34-626.1, enacted by Ga. L. 1976, p. 473, § 1.)

**21-2-230. Absentee registration.**

(a) A resident of this state who is qualified to vote by absentee ballot may register to vote by complying with this Code section; and this person shall be referred to as an absentee applicant.

(b) Any absentee applicant or, upon satisfactory proof of relationship, his mother, father, sister, brother, spouse, or daughter or son of the age of 18 or over may at any time apply to the board of registrars of the county of such applicant's residence for a registration card to be mailed to such applicant. The application shall be in writing and shall contain the name and residence address of the absentee applicant, the address he desires to have the card mailed to, and such other information as the

board of registrars may require. When appropriate, the rank, branch of service, and serial number of the applicant shall be included in the application.

(c) The board of registrars, upon receipt of such application, shall enter thereon the date it is received and, upon finding such absentee applicant to be unregistered, shall immediately mail to him a blank registration card accompanied by a properly addressed envelope. The board shall employ air mail in cases where it will facilitate voting by such applicant.

(d) Upon the return of such registration card, properly completed and executed by the absentee applicant, the board of registrars shall place the name of such elector upon the electors list and such registration shall have the same effect as a registration consummated under other provisions of this article. The date a registration card is mailed or delivered to an applicant and the date it is returned shall be entered on the application therefor.

(e) Any qualified person may apply for a registration card or an absentee ballot by the use of a standard form furnished by the federal government which contains the information required by this chapter. An envelope containing a registration card or absentee ballot for transmission to such person may be prepared in such a manner as to take advantage of the free mail delivery furnished by the federal government. (Code 1933, § 34-619, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 329, § 5a; Ga. L. 1971, Ex. Sess., p. 61, § 7.)

**21-2-231. Exemption of qualified electors from registration or further qualification thereafter; loss of qualification for failure to exercise vote; request for continuance of registration; reregistration after cancellation.**

(a) The electors who have qualified shall not thereafter be required to register or further qualify, except as provided by law. No person shall remain a qualified voter who does not vote in at least one general or special election or primary, or in a municipal general or special election or primary if the county is furnishing the electors list to a municipality, within three years immediately preceding January 1 of each odd-numbered year unless he shall specifically request continuation of his registration in the manner provided in subsection (b) of this Code section.

(b) Within 60 days after January 1, beginning in the year 1965, and biennially thereafter, the registrars shall revise and correct the registration records in the following manner. They shall examine the registration cards and shall suspend the registration of all electors who have not voted in at least one general or special election or primary, or municipal

general or special election or primary if the county is furnishing the electors list to a municipality, within the three years immediately preceding such January 1. On or before March 1 of such year they shall mail notice by first-class mail to each elector, at his last known address, stating substantially as follows:

“You are notified that according to state law your registration as a qualified voter will be canceled for having failed to vote within the past three years, unless before April 1 of the current year you continue your registration by applying in writing to the board of registrars.”

Effective April 1, 1965, and biennially thereafter, the registrars shall cancel the registration of all electors thus notified who have not applied for continuance, and the names of all such electors shall be wholly removed from the list of electors prior to May 1 of that year. Registrars shall furnish each elector so notified a card with the name and address of the board of registrars printed on the face thereof which may be used by the elector in notifying the board of registrars of the elector's desire to continue the elector's registration. In counties having a population of not less than 400,000 nor more than 525,000 according to the United States decennial census of 1970 or any future such census, the board of registrations and elections shall affix sufficient postage to such return card so as to ensure proper delivery to the board.

(c) Any elector whose registration has been thus canceled may reregister in the manner provided for original registration in this article. No person shall remain an elector longer than he shall retain the qualifications under which he is registered. (Ga. L. 1913, p. 115, § 3; Code 1933, § 34-115; Ga. L. 1949, p. 1204, § 23; Ga. L. 1958, p. 269, § 20; Ga. L. 1959, p. 182, § 1; Ga. L. 1961, p. 56, § 1; Code 1933, § 34-620, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1974, p. 95, §§ 4, 5; Ga. L. 1981, p. 1238, § 5; Ga. L. 1981, p. 1798, § 2; Ga. L. 1982, p. 1292, § 7; Ga. L. 1982, p. 2107, § 22; Ga. L. 1984, p. 133, § 1; Ga. L. 1985, p. 632, § 2; Ga. L. 1986, p. 32, § 1.)

**21-2-232. Preparation and filing of list of voters who have died or appear to be disqualified by reason of criminal conviction or mental incompetency.**

The clerk of the superior court of each county shall, on or before the tenth day of each month, prepare and file with the registrars a complete list, alphabetically arranged with their addresses and ages, of persons residing in the county who appear to be disqualified from voting by reason of having been convicted of a crime during the preceding month, the penalty of which is disfranchisement, unless such person has been pardoned and the right of suffrage restored to him. The probate judge of each county shall, by such date, file a similar list of all persons residing in the county who appear to be disqualified from voting by reason of an

adjudication of mental incompetency during the preceding month. The local registrar of vital statistics of each county shall, by such date, file a similar list of those persons who have died during the preceding month. Each such list shall contain such other information as may be necessary to facilitate identification of persons having the same or similar names. (Ga. L. 1894, p. 115, § 6; Civil Code 1895, §§ 48, 49; Ga. L. 1899, p. 21, § 1; Ga. L. 1908, p. 58, § 4; Civil Code 1910, §§ 49, 50; Code 1933, §§ 34-203, 34-204; Ga. L. 1949, p. 1204, § 24; Ga. L. 1958, p. 269, § 21; Ga. L. 1961, p. 162, § 1; Code 1933, § 34-621, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1978, p. 1004, § 10; Ga. L. 1986, p. 932, § 4.)

#### **21-2-232.1. Retention of inactive registration cards.**

County registrars shall provide for the retention for a period of not less than 20 years of the registration cards of all electors whose registration is canceled, purged, rejected, or removed for any reason. (Code 1981, § 21-2-232.1, enacted by Ga. L. 1984, p. 1490, § 2.)

#### **21-2-232.2. Exchange of municipality and county elector lists; procedure for notifying electors not registered with proper registrar.**

Repealed by Ga. L. 1985, p. 496, § 11, effective July 1, 1985.

#### **21-2-233. Preparation of list of electors.**

The registrars, not later than the voter registration deadline for the November election in each even-numbered year, shall begin the work of perfecting a true and correct list of the electors of their county for use in such election. They shall place on such list only those persons they have found to be prima facie qualified to vote and those persons whom they shall subsequently find to be prima facie qualified to vote. In preparing such list, they shall examine the lists of disqualified persons furnished them and, if any applicant's or elector's name is found thereon, they shall not place his name on the electors list. If the information comes to them after the preparation and filing of the list, they shall call upon him to show cause why it should not be removed from the list. They shall also indicate on such list the names of those electors who are eligible to receive assistance in voting and who have notified the registrars of such eligibility. The registrars shall determine and place on the official electors list each elector's proper congressional district, state Senate district, state House district, county commissioner district, if any, and county school board district, if any, and, if the county maintains the electors list for municipalities within the county, the registrar shall also determine the proper city commission, city council, or other such municipal district

for all electors residing in such municipalities. The registrars shall proceed with their work of perfecting such list of electors and shall complete the same as soon as practicable but in no event later than five days prior to the November election. On July 1, 1981, all registered electors of any municipality of this state lying wholly within the boundaries of any county of this state having a population of not less than 500,000 nor more than 575,000 according to the United States decennial census of 1990 or any future such census, who are not registered voters of such county, shall be added to the voter registration list of such county. Such electors shall thereafter be subject to this article in the same manner as other electors of such county. (Ga. L. 1894, p. 115, § 8; Civil Code 1895, §§ 53, 54; Ga. L. 1908, p. 58, § 5; Civil Code 1910, §§ 55, 56; Code 1933, §§ 34-401, 34-402; Ga. L. 1949, p. 1204, § 26; Ga. L. 1958, p. 269, § 22; Code 1933, § 34-622, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1981, p. 1238, § 6; Ga. L. 1982, p. 2107, § 23; Ga. L. 1985, p. 496, § 12; Ga. L. 1992, p. 2345, § 1.)

**21-2-234. Filing of certified list of qualified electors; furnishing of copies of lists or computer-run lists or tapes containing such lists; appearance on lists as prerequisite to voting; commercial use of lists.**

(a) Within three days after completing a list of electors as provided for in Code Section 21-2-233, the registrars shall file with the Secretary of State a certified copy of such list accompanied by their certification of the number of electors by race in each precinct in their county. When requested, it shall be the duty of the Secretary of State or the board of registrars, as the case may be, to furnish a certified copy of such list, or any part thereof, upon payment of a fee sufficient to cover the cost of preparing such list; but in no event shall the fee exceed an amount equal to 1¢ for the name of each elector appearing thereon. The list shall be alphabetically arranged by precincts and shall include dates of birth, addresses, and ZIP codes. No person whose name does not appear on such list shall vote or be allowed to vote at any election, except as otherwise provided in this article.

(b) In those counties using computers to maintain the list of electors, it shall be the duty of the boards of registrars of such counties to furnish a computer-run list at a cost not to exceed one-quarter of a cent per name or a computer tape containing such list, upon payment of a fee to cover the actual cost of providing such tape or both the tape and the computer-run list as requested; provided, however, that the total cost of providing such tape or computer-run list, or both, shall not be less than \$15.00.

(c) Such lists of electors shall not be used by any person for commercial purposes. (Ga. L. 1908, p. 58, § 7; Civil Code 1910, § 58; Code

1933, § 34-404; Ga. L. 1949, p. 1204, § 28; Ga. L. 1958, p. 269, § 23; Code 1933, § 34-623, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1978, p. 1004, § 11; Ga. L. 1979, p. 1080, § 1; Ga. L. 1981, p. 1798, § 3; Ga. L. 1982, p. 1512, § 5; Ga. L. 1984, p. 694, § 1; Ga. L. 1987, p. 351, § 1; Ga. L. 1992, p. 1815, § 1.)

**21-2-235. Entitlement of qualified electors on certified registration list to vote in election; voting in party primaries; duty of registrars to consolidate lists.**

Each elector whose name appears on the certified registration list and who is not found to be disqualified subsequent to the filing of such list shall be entitled to vote in any primary or election held during the period subsequent to the filing of such list and before the filing of the next such list; provided, however, that an elector, voting in the primary or primaries held by a single party for the nomination of candidates to seek public offices to be filled in an election, shall not vote in a primary held by any other party for the nomination of candidates to seek public offices to be filled in the same such election. It shall be the duty of the registrars to consolidate such list and any such supplemental list for any such primary or election and to make certain that no person is listed more than once. (Ga. L. 1908, p. 58, § 8; Civil Code 1910, § 59; Code 1933, § 34-405; Ga. L. 1943, p. 353, § 3; Ga. L. 1949, p. 1204, § 29; Ga. L. 1958, p. 269, § 24; Code 1933, § 34-624, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-236. Examination of electors' qualifications by board of registrars; subpoenas; notice and hearing.**

(a) The board of registrars of each county shall have the right and shall be charged with the duty of examining from time to time the qualifications of each elector whose name is entered upon the list of electors and shall not be limited or estopped by any action previously taken.

(b) For the purpose of determining the qualification or disqualification of applicants and electors, the board of registrars may, upon at least five days' notice, require the production of books, papers, and other material and, upon like notice, may subpoena witnesses. The board may swear any witness appearing before it. If the registrars shall differ among themselves upon any question coming before them, the concurrent votes of a majority of the registrars shall control.

(c) The sheriff, his deputy, or any lawful constable of such county shall serve all summonses, notices, and subpoenas, as issued by such registrars and placed in the hands of any such official. Such official shall receive such compensation as is provided for like services in the superior

court. In case of the refusal of any person subpoenaed to attend or testify, such fact shall be reported immediately by the registrars to the appropriate superior court, or to a judge thereof, and such court or judge shall order such witness to attend and testify; and, on failure or refusal to obey such order, such witness shall be dealt with as for contempt. Any witness so subpoenaed, and after attending, shall be allowed and paid the same mileage and fee as now allowed and paid witnesses in civil actions in the superior court.

(d) If the right of any person to remain on the list of electors is questioned by the registrars, they shall give such person written notice of the time and place of a hearing to determine such right which shall be served upon such person in the manner herein provided for other notices. (Ga. L. 1894, p. 115, § 8; Civil Code 1895, §§ 56, 57, 58; Civil Code 1910, §§ 63, 64, 65; Ga. L. 1913, p. 115, § 1; Code 1933, §§ 34-408, 34-602, 34-603, 34-604; Ga. L. 1949, p. 1204, §§ 32, 34, 35, 36; Ga. L. 1958, p. 269, §§ 27, 28, 29, 30; Code 1933, § 34-627, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1978, p. 1004, § 24.)

**21-2-237. Challenge of listed persons by other electors; proceedings upon challenge.**

(a) Any elector of the county shall be allowed to challenge the right of registration of any person whose name appears upon the electors list and, upon a challenge as to the qualifications of the elector being filed, the registrars shall notify the elector and pass upon the challenge. Each challenge shall specify the grounds of the challenge and, when notice is given the elector by the registrars, a copy of such challenge shall be furnished the challenged elector at least three days before passing upon the same. Any elector of the county shall also be allowed to challenge the qualifications of any applicant for registration. A challenge of a person's qualification to register or to vote shall be decided in every case by the board of registrars with the right of appeal therefrom to the superior court.

(b) Reserved.

(c) Any elector of the county shall be allowed to challenge the right to vote of any person whose name appears upon the electors list, by making application to the board of registrars of the county at any time including election day itself. Such challenge may be oral or written but shall distinctly set forth the grounds of challenge. The board of registrars shall immediately consider the same and unless they find probable cause to sustain such challenge shall deny it. If the registrars find probable cause to sustain such challenge, the poll officers of the challenged elector's precinct shall be notified; and, if practical, the challenged elector shall be notified and afforded an opportunity to answer. If the challenged elec-

tor presents himself at the polling place to vote, he shall be given an opportunity to appear before the registrar and answer the grounds of challenge; and such registrars shall:

(1) After hearing the challenger and the challenged elector, determine whether probable cause to sustain such challenge exists;

(2) If no probable cause exists, permit the challenged elector to vote; or

(3) If in doubt as to the merit of the challenge, permit the challenged elector to vote by having the word "challenged" written across the back of the challenged elector's ballot for later determination. (Ga. L. 1908, p. 58, § 6; Civil Code 1910, § 66; Code 1933, § 34-605; Ga. L. 1949, p. 1204, § 33; Ga. L. 1958, p. 269, § 31; Code 1933, § 34-628, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1983, p. 140, §§ 1, 2; Ga. L. 1992, p. 56, § 1.)

**21-2-238. Persons entitled to vote in each precinct; provision for central voting location; polling place for each precinct required.**

All persons whose names appear on the list of electors placed in the possession of the managers in each precinct, and no others, shall be allowed to deposit their ballots according to law at the precinct in which they are registered; provided, however, that nothing in this Code section shall prevent the voting of electors in one central location in the county if provisions are made in that central location for voters to vote as they otherwise would be permitted to vote in their respective precincts and provided, further, that at least one polling place shall be open in each precinct during each primary and each election. (Ga. L. 1894, p. 115, § 10; Civil Code 1895, § 60; Civil Code 1910, § 68; Code 1933, § 34-801; Ga. L. 1949, p. 1204, § 39; Ga. L. 1958, p. 269, § 33; Code 1933, § 34-629, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 871, § 4; Ga. L. 1977, p. 1053, § 2; Ga. L. 1978, p. 1004, § 12; Ga. L. 1982, p. 3, § 21; Ga. L. 1982, p. 1512, § 5; Ga. L. 1985, p. 206, § 1.)

**21-2-239. Place of voting where change is made in county lines.**

When any portion of a county is changed from one county to another, the persons who would have been qualified to vote in the county from which taken, at the time of any primary or election, shall vote in the county to which they are removed; and, if required to swear or certify, the oath or certification may be so qualified as to contain this fact. The name of such elector shall be kept and checked as provided in Code Section 21-2-236. (Orig. Code 1863, § 1227; Code 1868, § 1308; Code 1873, § 1281; Code 1882, § 1281; Civil Code 1895, § 34; Civil Code

1910, § 70; Code 1933, § 34-803; Ga. L. 1949, p. 1204, § 41; Ga. L. 1958, p. 269, § 35; Code 1933, § 34-630, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-240. Procedure upon change of elector's residence.**

(a) Any elector, upon moving his residence to this state or to another county within this state, may, if he is otherwise qualified, have his name placed upon a list of electors of the county of his new residence as provided in this Code section. Such elector shall make application to the board of registrars of the county of his new residence to have his name placed upon a list of electors of such county. Such application shall be in writing and on the form prescribed by subsection (a) of Code Section 21-2-217. After receipt of such application in proper form, the board of registrars of the county of the applicant's new residence shall send to the board of registrars of the county of his immediate former voting residence a registration cancellation certificate which shall be in substantially the following form:

I certify \_\_\_\_\_ has properly registered to vote in  
 (Name of Elector)

the County of \_\_\_\_\_

of the State of Georgia on \_\_\_\_\_  
 (Month) (Day) (Year)

and therefore requests that his name be removed from the list of registered voters in your county.

Elector's Date of Birth: \_\_\_\_\_

Last Registration Address: \_\_\_\_\_

(City) (County) (State) (ZIP Code)

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
 Chief Registrar

\_\_\_\_\_  
 County

Upon receipt of such certificate the board of registrars of the county of the applicant's immediate former voting residence shall remove his name from the electors list of said county.

(b) An elector who desires to cancel his registration as described in subsection (a) of this Code section shall make such application 30 days prior to the primary or election in which he wishes to vote, and the board of registrars shall complete the cancellation at least five days prior to

such primary or election. No person shall vote in any county other than the county of his residence except as provided in subsection (d) of this Code section.

(c) In the event any elector moves to a residence within the county and has a different address from the address contained on the person's registration card, it shall be his duty to notify the board of registrars of such fact 30 days prior to the primary or election in which he wishes to vote by submitting the change of address in writing; and the board of registrars shall place such person's name on the proper list of electors at least five days prior to such primary or election. The board of registrars may accept a properly submitted application for an absentee ballot for this purpose for electors who move to an address within the county which is different from the address contained on the person's registration card.

(d) Any provision of this chapter to the contrary notwithstanding, an elector who moves from one county to another within 30 days prior to a primary or election may vote in the county or precinct in which he is registered to vote.

(e) Any elector who moves to a residence within the county but into a different precinct or who moves to a residence in the same precinct but at a different address and fails to notify the board of registrars of such fact 30 days prior to an election or primary shall vote in the precinct of his former residence for such election or primary and for any runoffs resulting therefrom. The superintendent of an election shall make available at each polling place forms furnished by the Secretary of State which shall be completed by each such elector to reflect his present legal residence. Such forms may also be used to notify the board of registrars of a change in an elector's name. The board of registrars shall thereafter place the elector in the proper precinct and correct the list of electors accordingly. If the elector is placed in a precinct other than the one in which he has previously been voting, he shall be notified of his new polling place by first-class mail.

(f) So that all voter registration cards may be uniform throughout all 159 counties of the state, the Secretary of State shall be authorized to administer this Code section.

(g) Upon ascertainment by the board of registrars that an elector has moved to a different address within the county from the address contained on the elector's registration card, the board of registrars shall notify the elector by first-class mail of the change in address and of any change in the elector's voting precinct based upon the address change. An elector shall have a period of ten days following such notification by the board of registrars to correct any error in connection with the elector's address. In the absence of any correction by the elector, the board of registrars shall be authorized to place the elector's name in the proper

precinct, correct the list of electors, and issue the elector a new registration card reflecting the address change and the elector's proper voting precinct. (Ga. L. 1908, p. 58, § 10; Civil Code 1910, § 71; Code 1933, § 34-804; Ga. L. 1949, p. 1204, § 42; Ga. L. 1958, p. 269, § 36; Code 1933, § 34-631, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 871, § 4a; Ga. L. 1969, p. 329, § 7; Ga. L. 1974, p. 95, § 6; Ga. L. 1975, p. 803, § 4; Ga. L. 1976, p. 457, §§ 2-4; Ga. L. 1978, p. 1004, § 13; Ga. L. 1979, p. 962, § 1; Ga. L. 1981, p. 1718, § 3; Ga. L. 1982, p. 1512, § 5; Ga. L. 1983, p. 140, § 1; Ga. L. 1984, p. 922, § 1; Ga. L. 1985, p. 206, § 1; Ga. L. 1986, p. 32, § 1; Ga. L. 1988, p. 926, § 1; Ga. L. 1988, p. 928, § 1; Ga. L. 1989, p. 10, § 1; Ga. L. 1989, p. 1082, § 1.)

### **21-2-241. Rules for determining residence.**

(a) In determining the residence of a person desiring to register to vote, the following rules shall be followed so far as they are applicable:

(1) The residence of any person shall be held to be in that place in which his habitation is fixed, without any present intention of removing therefrom, and to which, whenever he is absent, he intends to return;

(2) A person shall not be considered to have lost his residence who leaves his home and goes into another state, or county in this state, for temporary purposes only, with the intention of returning, unless said person shall register to vote or perform other acts indicating a desire to change his citizenship and residence;

(3) A person shall not be considered to have gained a residence in any county of this state into which he has come for temporary purposes only without the intention of making such county his permanent place of abode;

(4) If a person removes to another state with the intention of making it his residence, he shall be considered to have lost his residence in this state;

(5) If a person removes to another state with the intention of remaining there an indefinite time and making such state his place of residence, he shall be considered to have lost his residence in this state, notwithstanding that he may intend to return at some indefinite future period;

(5.1) If a person removes to another county within this state with the intention of remaining there an indefinite time and making such other county his place of residence, he shall be considered to have lost his residence in the former county, notwithstanding that he may intend to return at some indefinite future period;

(6) The residence for voting purposes of a person shall not be required to be the same as the residence for voting purposes of his or her spouse;

(7) No person shall be deemed to have gained or lost a residence by reason of such person's presence or absence while enrolled as a student at any college, university, or other institution of learning in this state;

(8) The mere intention to acquire a new residence, without the fact of removal, shall avail nothing; neither shall the fact of removal without the intention;

(9) No member of the armed forces of the United States shall be deemed to have acquired a residence in this state by reason of being stationed on duty in this state;

(10) If a person removes to the District of Columbia or other federal territory, another state, or foreign country to engage in government service; he shall not be considered to have lost his residence in this state during the period of such service; and the place where the person resided at the time of his removal shall be considered and held to be his place of residence;

(11) If a person is adjudged mentally ill and is committed to an institution for the mentally ill, he shall not be considered to have gained a residence for voting purposes in the county in which the institution to which he is committed is located; and

(12) If a person goes into another state and while there exercises the right of a citizen by voting, he shall be considered to have lost his residence in this state.

(b) In determining a voter's qualification to register and vote, the registrars to whom such application is made shall consider, in addition to the applicant's expressed intent, any relevant circumstances determining the applicant's residence. The registrars taking such registration may consider the applicant's financial independence, business pursuits, employment, income sources, residence for income tax purposes, age, marital status, residence of parents, spouse and children, if any, leaseholds, sites of personal and real property owned by the applicant, motor vehicle and other personal property registration, and other such factors that the registrars may reasonably deem necessary to determine the qualification of an applicant to vote in a primary or election. The decision of the registrars to whom such application is made shall be presumptive evidence of a person's residence for voting purposes. (Ga. L. 1960, p. 257, § 1; Code 1933, § 34-632, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1982, p. 688, §§ 1, 2; Ga. L. 1986, p. 1028, § 1; Ga. L. 1990, p. 243, § 6.)

**21-2-242. Lists and registration cards open to public inspection; public nature of hearings and duties performed by registrars.**

The lists of electors and registration cards shall be open at all times to the reasonable inspection of any citizen of the county but shall not be removed for such inspection from the custody of the officer in charge. All the duties required of the registrars by this article and all hearing of evidence upon the qualifications of electors shall be discharged in public. (Ga. L. 1894, p. 115, § 12; Civil Code 1895, § 64; Civil Code 1910, § 74; Code 1933, § 34-1101; Ga. L. 1949, p. 1204, § 45; Ga. L. 1958, p. 269, § 39; Code 1933, § 34-633, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-243. Duty of registrars to furnish list for elections held in governmental subdivisions; determination of compensation for furnishing such list.**

(a) Whenever the authority of a governmental subdivision within a county who is charged with the responsibility of holding elections shall request the board of registrars of the county to furnish a list of electors qualified to vote in the election involved and residing within the limits of such subdivision, it shall be the duty of the board of registrars to prepare promptly and furnish such a list.

(b) The county shall be compensated, for the work of the board of registrars in preparing and furnishing such list, in an amount agreeable to the board of registrars and the authority of such governmental subdivision in charge of the election involved. If they are unable to agree upon such amount, it shall be determined by the State Election Board. (Ga. L. 1949, p. 1204, §§ 53, 54; Ga. L. 1958, p. 269, §§ 43, 44; Code 1933, § 34-636, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-244. Replacement of destroyed registration records.**

In any county where the registration records have been destroyed, the list of electors which has been certified to the Secretary of State, or a copy thereof, may be used in compiling a new list. (Ga. L. 1949, p. 1204, § 48; Ga. L. 1958, p. 269, § 41; Code 1933, § 34-635, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-245. Preparation of annual budget estimate by board of registrars.**

The board of registrars of each county shall prepare annually a budget estimate in which it shall set forth an itemized list of its expenditures for the preceding two years and an itemized estimate of the amount of

money necessary to be appropriated for the ensuing year and shall submit the same at the time and in the manner and form other county budget estimates are required to be filed. (Code 1933, § 34-634, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-246. Removal of voter's name from electors list.**

A voter may request to have such voter's name removed from the electors list by making a written request under oath to the registrars. Upon receiving such request, the registrars shall remove the voter's name from the electors list and shall confirm such removal by written notice by first-class mail, sent to the address on the voter's registration card. (Code 1981, § 21-2-246, enacted by Ga. L. 1988, p. 752, § 5.)

ARTICLE 7

PRECINCTS AND POLLING PLACES

**21-2-260. Designation of precincts.**

Each election district existing as of December 31, 1982, shall constitute a separate precinct until and unless changed as provided in this article. (Orig. Code 1863, § 1231; Code 1868, § 1312; Code 1873, § 1285; Code 1882, § 1285; Ga. L. 1893, p. 29, § 1; Civil Code 1895, § 69; Civil Code 1910, § 79; Code 1933, § 34-1301; Code 1933, § 34-701, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1982, p. 1512, § 2.)

**21-2-261. Change in boundaries of precinct; creation of new precincts.**

(a) The superintendent of a county may, on petition as provided in Code Section 21-2-262, divide or redivide any precinct in that county into two or more precincts of compact and contiguous territory, or alter the bounds of any precinct in that county, or form a precinct out of two or more adjoining precincts or parts of precincts in that county, or consolidate adjoining precincts in that county, so as to suit the convenience of the electors and to promote the public interests.

(b) No new precinct shall be formed that shall contain less than 100 electors.

(c) The bounds of a precinct shall not be altered on a day in which a primary or election is held, or during the period of 60 days prior to any general primary or election, or during the period of 30 days prior to any special primary or election. The superintendent shall promptly notify the board of registrars of any change in the bounds of precincts.

(d) Any precinct established or altered on or after July 1, 1983, must conform with the requirements of subsection (a) of Code Section

21-2-261.1. (Code 1933, § 34-702, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1982, p. 1512, § 2.)

**21-2-261.1. Boundary requirements for precincts established or altered on or after July 1, 1983.**

(a) All voting precincts established or altered on or after July 1, 1983, shall consist of areas which are bounded on all sides only by:

(1) Visible features which are readily distinguishable upon the ground (such as streets, railroad tracks, streams, lakes, and ridges) and which are indicated upon official Department of Transportation maps; or

(2) The boundaries of counties and incorporated municipalities.

(b) No later than January 1, 1984, unless a waiver extending such deadline to January 1, 1986, is granted by the Secretary of State, the superintendent shall move the boundaries of all precincts so that they conform to the requirements of subsection (a) of this Code section and continue to promote the convenience of electors and the public interests. The superintendent shall within 30 days prior to the establishment of any new boundaries required to conform with subsection (a) of this Code section publish a notice of such changes once a week for two weeks in the county organ and post a conspicuous notice of such changes in at least five public and conspicuous places in each affected precinct. At least one such notice shall be posted at or in the immediate vicinity of the polling place in each affected precinct. Each notice shall state the date upon which adoption of such changes is proposed to be made and shall direct interested persons to address their comments or questions to the superintendent.

(c) The superintendent shall notify the board of registrars within ten days after such changes are adopted.

(d) Not later than February 1, 1984, unless a waiver extending such deadline to February 1, 1986, has been granted by the Secretary of State, each superintendent shall file with the Secretary of State a current copy of a map of all precincts in the county. Thereafter the superintendent shall file with the Secretary of State:

(1) A map reflecting any changes in precincts within 20 days after the changes are made;

(2) A copy of any communications to or from the United States Department of Justice relating to any precincts within 20 days after such communication is sent or received;

(3) A copy of any pleading initiating a court action potentially affecting any precincts within 30 days after it is filed;

(4) A copy of any court order affecting any precincts within 20 days after it is entered; and

(5) Any other documentation necessary to allow the Secretary of State to maintain a current listing of all precincts in the state.

(e) The Secretary of State shall be authorized to waive and postpone the effective dates of compliance as provided in subsections (b) and (d) of this Code section with respect to any superintendent if compliance by such dates would cause an undue hardship. (Code 1981, § 21-2-261.1, enacted by Ga. L. 1982, p. 1512, § 2; Ga. L. 1983, p. 140, § 1; Ga. L. 1984, p. 1, § 6; Ga. L. 1984, p. 133, § 1.)

**21-2-262. Petition by electors or by county executive committee of a political party for division of precincts or alteration of boundaries of precincts; investigation, recommendation, etc., by board of registrars as to petition; petition by board of registrars on its own initiative for division, alteration, etc., of precincts; discretion of superintendent to order division, alteration, etc.; giving of notice of division, alteration, etc.; powers of governing authorities of counties of more than 250,000 population.**

(a) Upon the petition of 20 electors or of the county executive committee of a political party to the superintendent of the county, praying for the division or redivision of a precinct into two or more precincts, or for the alteration of the bounds of any precinct, or for the formation of one or more precincts out of two or more existing precincts or parts thereof, or for the consolidation of adjoining precincts, the superintendent shall refer such petition to the board of registrars, which shall make a full investigation of the facts and shall promptly report to the superintendent its findings and recommendations as to the division, redivision, alteration, formation, or consolidation of the precincts prayed for. If the board of registrars shall find that a division, redivision, alteration, formation, or consolidation of precincts will promote the convenience of the electors and the public interests, it shall recommend a proper division, redivision, alteration, formation, or consolidation of precincts which conform to the requirements of subsection (a) of Code Section 21-2-261.1 and shall accompany its report with a map, plat, or draft of the new election precinct or precincts proposed by it. Such petitions may specify the boundaries desired by the petitioners and may be accompanied by a map setting forth such boundaries.

(b) The board of registrars may also petition the superintendent for the division or redivision of any precinct into two or more precincts, or for the alteration of the bounds of any precinct, or for the formation of one or more precincts out of two or more existing precincts or parts

thereof, or for the consolidation of adjoining precincts, accompanying its petition by a description of the proposed new precincts and by a map, plat, or draft thereof.

(c) Upon the presentation of any such petition by the board of registrars or upon the filing by the board of its report and recommendations as to any petition presented under subsection (a) of this Code section, the superintendent may make such order for the division, redivision, alteration, formation, or consolidation of precincts as will, in his opinion, promote the convenience of electors and the public interests; provided, however, that the superintendent shall not make any final order for the division, redivision, alteration, formation, or consolidation of precincts until at least ten days after notice shall have been posted in at least five public and conspicuous places in the precinct or precincts to be affected thereby, one of which notices shall be posted on or in the immediate vicinity of the polling place in each such precinct. Such notice shall state briefly the division, redivision, alteration, formation, or consolidation of precincts recommended by the board of registrars and the date upon which the same will be considered by the superintendent and shall contain a warning that any person objecting thereto must file his objections with the superintendent prior to such date. Upon the making of any such final order by the superintendent, a copy thereof shall be certified by him to the board of registrars.

(d) Any other provisions of this Code section to the contrary notwithstanding, in all counties of this state having a population of 500,000 or more according to the United States decennial census of 1970 or any future such census, the notice of changes in precincts shall be accomplished by sending such notices by first-class mail to the electors affected thereby at the addresses of such electors shown on the electors list; and such notices shall be in lieu of any other notices required by this subsection.

(e) In any county having a population of more than 250,000 according to the United States decennial census of 1970 or any such future census, the powers and duties conferred upon the superintendent by this Code section and Code Sections 21-2-261 and 21-2-261.1 shall be exercised and performed by the governing authority of the county. (Code 1933, § 34-703, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1977, p. 1199, § 1; Ga. L. 1982, p. 3, § 21; Ga. L. 1982, p. 1512, § 2; Ga. L. 1987, p. 34, § 1; Ga. L. 1992, p. 56, § 1.)

**21-2-263. Reduction in size of precincts containing more than 2,000 electors when voting in such precincts at previous general election not completed one hour after closing of polls.**

If at the previous general election a precinct contained more than 2,000 electors and if all those electors desiring to vote had not completed voting one hour following the closing of the polls, the superintendent shall reduce the size of said precinct so that it shall contain not more than 2,000 electors in accordance with the procedures prescribed by this chapter for the division, alteration, and consolidation of precincts. For administering this Code section, the chief manager of a precinct which contained more than 2,000 electors at the previous general election shall submit a report thereof, under oath, to the superintendent as to the time required for completion of voting by all persons in line at the time the polls were closed. Any such change in a precinct shall conform with the requirements of subsection (a) of Code Section 21-2-261.1. (Code 1933, § 34-704.1, enacted by Ga. L. 1968, p. 860, § 1; Ga. L. 1982, p. 1512, § 2.)

**21-2-264. Reimbursement of counties for costs incurred pursuant to alteration of precinct boundaries.**

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

ing the provisions of Code Section 21-2-261.1, payment to the counties seeking assistance and payment shall be made on a pro rata basis subject to the availability of appropriated funds. (Ga. L. 1941, p. 321, § 1; Code 1933, § 34-704, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1982, p. 1512, § 2; Ga. L. 1983, p. 964, § 1.)

**21-2-265. Polling places — Duty of superintendent to fix; change; petition objecting to proposed change; provision of space for political parties holding primaries; facilities for the handicapped.**

(a) The superintendent shall select and fix the polling place within each precinct and may, either on his own motion or on petition of ten electors of a precinct, change the polling place within any precinct. Except in case of an emergency or unavoidable event occurring within ten days of a primary or election, which emergency or event renders any polling place unavailable for use at such primary or election, the superintendent shall not change any polling place until at least ten days after notice of the proposed change shall have been posted on the existing polling place and at three other places in the immediate vicinity thereof and until at least five days after written notice of the proposed change shall have been given to the occupant or owner of such polling place or his agent.

(b) Except in case of an emergency or unavoidable event occurring within ten days of a primary or election, which emergency or event renders any polling place unavailable for use, if a petition is presented to the superintendent on or before the day set for hearing of the petition for change of a polling place, signed by 20 percent of the electors of the precinct objecting to the proposed change, such change shall not be ordered.

(c) In primaries, the superintendent in selecting and fixing the polling place in each precinct shall select a polling place which will provide adequate space for all parties conducting their primaries therein.

(d) The superintendent, in selecting and fixing a polling place in each precinct, shall select, if practicable, a polling place with suitable and appropriate access to handicapped voters. If no such practicable locations exist within the precinct, the superintendent may effect temporary modifications to such existing locations as will, in his judgment, provide more convenient and appropriate access to the polling place by the handicapped voter. On and after July 1, 1984, however, no polling place shall be selected or used under any circumstances which does not have suitable and appropriate access to the handicapped for the purpose of voting; and on and after that date any person, whether or not personally aggrieved, may bring an action for mandamus to require that all polling

places in the county have suitable and appropriate access to the handicapped for the purpose of voting. (Code 1933, § 34-705, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 329, § 8; Ga. L. 1978, p. 812, § 1; Ga. L. 1980, p. 1256, § 1.1; Ga. L. 1982, p. 1512, § 5.)

**21-2-266. Polling places — Use of public buildings; use of portable or movable facilities.**

(a) In selecting polling places, the superintendent shall select, wherever practicable and consistent with subsection (d) of Code Section 21-2-265, schoolhouses, municipal buildings or rooms, or other public buildings for that purpose. In selecting polling places, the superintendent shall give consideration to the comfort and convenience those places to be selected will provide to both electors and poll officers. School, county, municipal, or other governmental authorities, upon request of the superintendent, shall make arrangements for the use of their property for polling places; provided, however, that such use shall not substantially interfere with the use of such property for the purposes for which it is primarily intended.

(b) The superintendent, in his discretion, may procure and provide portable or movable polling facilities of adequate size for any precinct. (Code 1933, § 34-706, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1978, p. 812, § 2; Ga. L. 1982, p. 1512, § 5; Ga. L. 1986, p. 348, § 1.)

**21-2-267. Polling places — Equipment; arrangement of ballot boxes, voting machines, etc.; storage of election equipment.**

(a) The superintendent shall cause all rooms used as polling places to be provided with suitable heat and light and, in precincts in which ballots are used, with a sufficient number of voting compartments or booths with proper supplies in which the electors may conveniently mark their ballots, with a curtain, screen, or door in the upper part of the front of each compartment or booth so that in the marking thereof they may be screened from the observation of others. A curtain, screen, or door shall not be required, however, for the self-contained units used as voting booths in which vote recorders are located if such booths have been designed so as to ensure the privacy of the elector. When practicable, every polling place shall consist of a single room, every part of which is within the unobstructed view of those present therein and shall be furnished with a guardrail or barrier closing the inner portion of such room, which guardrail or barrier shall be so constructed and placed that only such persons as are inside such rail or barrier can approach within six feet of the ballot box and voting compartments, or booths, or voting machines, as the case may be. The ballot box and voting compartments or booths shall be so arranged in the voting room within the enclosed

space as to be in full view of those persons in the room outside the guardrail or barrier. The voting machine or machines shall be placed in the voting rooms within the enclosed space so that, unless its construction shall otherwise require, the ballot labels on the face of the machine can be plainly seen by the poll officers when the machine is not occupied by an elector.

(b) The superintendent, unless otherwise provided by law, may make such arrangements as he deems proper for the storage of election equipment in the various precincts of the county at such times of the year that it will not be used for election purposes and may fix reasonable compensation therefor.

(c) In any general election at which a proposal to amend the Constitution or to provide for a new Constitution is submitted to the electors for ratification, the election superintendent shall provide copies of the summary of such proposal prepared pursuant to Article X, Section I, Paragraph II of the Constitution as provided in this subsection. A reasonable number of copies of such summary shall be conspicuously available in each polling place. (Ga. L. 1922, p. 97, § 1; Code 1933, § 34-1902; Code 1933, § 34-708, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1978, p. 1004, § 14; Ga. L. 1982, p. 1512, § 5; Ga. L. 1983, p. 140, § 1; Ga. L. 1991, p. 999, § 1.)

**21-2-268. Compensation for rent, heat, light, and janitorial services for use of public building as polling places.**

The superintendent shall fix the compensation for rent, heat, light, and janitorial services to be paid for the use of polling places for primaries and elections; provided, however, that no compensation for rent, heat, or light shall be paid in the case of schoolhouses, municipal buildings or rooms, or other public buildings used as polling places. (Code 1933, § 34-709, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-269. Construction of rooms for use as temporary polling places.**

If, in any precinct, no proper polling place can be obtained, the superintendent shall cause to be constructed for such precinct a temporary room of adequate size to be used as a polling place. (Code 1933, § 34-707, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1982, p. 1512, § 5.)

**21-2-270. Run-off primaries.**

(a) This Code section shall apply to a run-off primary held in a county where:

(1) No run-off primary is to be held for nomination of any candidate who is nominated at a nonpartisan primary;

(2) A run-off primary is to be held for nomination of one or more candidates who are nominated by one political party for election to the United States House of Representatives or to an office elected by the voters of the entire state; and no run-off primary is to be held for any candidate who is nominated by any other political party or any candidate who is nominated for election other than to the United States House of Representatives or to an office elected other than by the voters of the entire state; and

(3) Fewer than 1 percent of the county's registered voters voted at the primary of the political party by which a candidate or candidates are to be nominated at the run-off primary.

(b) In any case to which this Code section applies, only one polling place shall be required to be open in the county at the run-off primary; and such polling place shall be the polling place for the precinct wherein the county courthouse is located. Any voter who is otherwise eligible to vote in such run-off primary shall be entitled to vote in said run-off primary at said single polling place. If the superintendent determines that a single polling place is insufficient, all polling places within the county shall be open.

(c) In any case in which only one polling place is to be utilized pursuant to this Code section, the superintendent shall cause an advertisement to be published once a week for two weeks immediately preceding the run-off primary. Such advertisement shall be in substantially the following form:

"At the run-off primary to be held in \_\_\_\_\_ County on (date) for the nomination of candidates of the \_\_\_\_\_ Party, only one polling place shall be open and such polling place will be located at \_\_\_\_\_. Any voter who desires to vote in such run-off primary must vote at said polling place and no other polling places will be open for the run-off primary."

(d) The superintendent shall also cause a copy of such notice to be prominently posted at each polling place in the county on the date of the run-off primary and on each of the 14 days immediately preceding the date of the run-off primary. The superintendent shall also request the news media to provide news coverage of the fact that all persons desiring

to vote at the run-off primary must vote at said single polling place. (Code 1981, § 21-2-270, enacted by Ga. L. 1985, p. 1316, § 1.)

## ARTICLE 8

### VOTING BY PAPER BALLOT

#### **21-2-280. Requirement as to conduct of primaries and elections by ballot; requirement as to use of official ballots only.**

All primaries and elections in this state shall be conducted by ballot, except when voting machines or vote recorders are used as provided by law. All ballots used in any primary or election shall be provided by the superintendent in accordance with this article, and only official ballots furnished by the superintendent shall be cast or counted in any primary or election in any precinct in which ballots are used. (Ga. L. 1962, p. 618, § 1; Code 1933, § 34-1101, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1983, p. 140, § 1.)

#### **21-2-281. Voting by paper ballot when use of voting machine impossible or impracticable.**

In any primary or election in which the use of voting machines is impossible or impracticable, for the reasons set out in Code Section 21-2-334, the primary or election may be conducted by paper ballot in the manner provided in Code Section 21-2-334.

#### **21-2-282. Voting by paper ballot when use of vote recorders impossible or impracticable.**

In any primary or election in which the use of vote recorders is impossible or impracticable, for the reasons set out in Code Section 21-2-364, the primary or election may be conducted by paper ballot in the manner provided in Code Section 21-2-364.

#### **21-2-283. Printing and safekeeping of ballots and labels by superintendent.**

It shall be the duty of the superintendent to cause all the ballots and ballot labels to be printed accurately, and he shall be responsible for the safekeeping of the same while in his possession or that of his agent. (Code 1933, § 34-1109, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-284. Form of official primary ballot.**

(a) In each primary separate official ballots shall be prepared for the political party holding the primary. At the top of each ballot shall be printed in prominent type the words "OFFICIAL PRIMARY BALLOT OF \_\_\_\_\_ PARTY FOR," followed by the designation of the precinct for which it is prepared and the name and date of the primary.

(b) Immediately under this caption, the following directions shall be printed: "Place a cross (X) or check (✓) mark in the square opposite the name of each candidate for whom you choose to vote. If you spoil your ballot, do not erase, but ask for a new ballot. Use only pen or pencil."

(c) Immediately under the directions, the names of all candidates who have qualified with the party in accordance with this chapter and party rules and who have been certified to the superintendent or Secretary of State as having so qualified shall be printed on the ballots. The names of the candidates shall in all cases be arranged under the title of the office for which they are candidates and be printed thereunder in alphabetical order. The incumbency of a candidate seeking party nomination for the public office he then holds shall be indicated on the ballots. Under the title of each office shall be placed a direction as to the number of candidates to be voted for.

(d) If at any primary a political party shall submit to its members any matter or question to be voted upon, the party shall by the deadline for certifying candidates for the primary election certify the wording of said question to the superintendent, if to be voted on by one county only, or to the Secretary of State, if to be voted on by more than one county; and the superintendent or Secretary of State shall have such language printed on the ballot form. To the left of each question there shall be placed the words "Yes" and "No" together with appropriate squares to the left of each for the convenient insertion of a cross (X) or check (✓) mark.

(e) The ballots shall vary in form only as the names of precincts, offices, candidates, color of ballot cards, or this chapter may require. (Code 1933, § 34-1102, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 871, § 8; Ga. L. 1970, p. 347, § 14; Ga. L. 1970, p. 383, § 3; Ga. L. 1977, p. 1053, § 5; Ga. L. 1979, p. 624, § 1; Ga. L. 1982, p. 1512, § 5; Ga. L. 1984, p. 1, § 7.)

**21-2-284.1. Nonpartisan primary for judicial offices — Form of ballot; primary runoff; placement of nominee on nonpartisan election ballot.**

The names of all candidates seeking nomination in the nonpartisan primary for the office of judge of a state court, judge of a superior court,

Judge of the Court of Appeals, or Justice of the Supreme Court shall be printed on the ballot of each political party; and insofar as practicable such offices to be filled in a nonpartisan primary shall be separated from the names of political party candidates by being listed last on each political party ballot, with the top of that portion of the ballot relating to the nonpartisan primary for judges to have printed in prominent type the words "OFFICIAL NONPARTISAN PRIMARY BALLOT." Immediately under this caption the following directions shall be printed: "Place a cross (X) or check (✓) mark in the square opposite the name of each nonpartisan candidate for whom you choose to vote. If you spoil your ballot, do not erase, but ask for a new ballot. Use only pen or pencil." Immediately under the directions, the names of the nonpartisan candidates shall in all cases be arranged under the title of the office for which they are candidates and be printed thereunder in alphabetical order. No party designation or affiliation shall appear beside the name of any candidate for nonpartisan office. The incumbency of a nonpartisan candidate seeking nomination for the public office he then holds shall be indicated on the ballots by printing the word "Incumbent" beside his name. Under the title of each office shall be placed a direction as to the number of nonpartisan candidates to be voted for. The votes cast for each nonpartisan candidate listed on all political party ballots shall be combined to determine the total number of votes received by each candidate in the nonpartisan primary. In the event that a candidate in such nonpartisan primary does not receive a majority of the total votes cast for such office, there shall be a nonpartisan primary 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 primary runoff shall be prescribed by the Secretary of State or election superintendent in essentially the same format prescribed for nonpartisan primaries. The candidate receiving a majority of the total votes cast in the nonpartisan primary or the candidate receiving the highest number of votes cast in the nonpartisan primary runoff shall be the only candidate for such office to have his name placed on the nonpartisan election ballot, and such person may be referred to as the nominee for such office or as the candidate nominated for such office. (Code 1981, § 21-2-284.1, enacted by Ga. L. 1983, p. 1190, § 11; Ga. L. 1984, p. 133, § 1.)

**21-2-285. Form of official election ballot.**

(a) At the top of each ballot for an election shall be printed in prominent type the words "OFFICIAL BALLOT," followed by the designation of the precinct for which it is prepared and the name and date of the election.

(b) Immediately under this caption on a ballot presenting the names of candidates for election to office, the following directions shall be printed, insofar as the same may be appropriate for the election involved:

(1) To vote a straight party ticket, with the exception of candidates for offices of presidential electors, mark a cross (X) or check (✓) mark in the square in the party column, opposite the name of the party of your choice. To vote for presidential electors, mark a cross (X) or check (✓) mark in the square opposite the names of the candidates of the party or body for the offices of President and Vice President you choose to vote for. If you do not desire to vote a party ticket, then place a cross (X) or check (✓) mark in the square opposite the name of each candidate you choose to vote for. To vote for a person whose name is not on the ballot, manually write his name, accompanied by the title of the office involved, in the write-in column. If you spoil your ballot, do not erase, but ask for a new ballot. Use only pen or pencil.

(2) Marks made in violation of these directions shall be disregarded in the counting of the votes cast. The names of persons inserted on the ballot by the elector shall be manually written only within the write-in column and the insertion of such names outside such column or by the use of a sticker, paster, stamp, or other printed or written matter is prohibited.

(c) Immediately under the directions, the names of all candidates who have been nominated in accordance with the requirements of this chapter shall be printed on the ballot and the names of the candidates shall in all cases be arranged under the titles of the respective offices they are seeking. The incumbency of a candidate seeking election for the public office he or she then holds shall be indicated on the ballot. The names of candidates who are nominees of a political party shall be placed under the name of their party. The columns of political parties shall be printed on the ballot, beginning on the left side thereof, and shall be arranged from left to right in the descending order of the totals of votes cast for candidates of the political parties for Governor at the last gubernatorial election. The columns of parties having no candidate for Governor on the ballot at the last gubernatorial election shall be arranged alphabetically, according to the party name, to the right of the columns of the parties so represented. The columns of political bodies shall be arranged alphabetically according to the body name, to the right of the party columns. The names of all independent candidates shall be printed on the ballot in a column or columns under the heading "Independent," which shall be placed to the right of the political body columns. In the case of two or more independent candidates seeking the same office, their names shall be arranged under the title of the office in alphabetical order. The names of candidates seeking the same office shall be printed

horizontally opposite one another in their respective columns, and such columns shall be of sufficient length to permit such an arrangement. To the right of the independent column or columns shall be printed a blank column sufficient for the insertion of write-in votes. At the left of the name heading every column on the ballot and at the left of the name of every candidate thereon shall be a square of sufficient size for the convenient insertion of a cross (X) or check (✓) mark.

(d) Unless a candidate has filed with his nominating petition a certificate from a political party or body attesting that such candidate is the nominee of such party by virtue of having been nominated in a duly constituted party convention, the candidate's name shall appear on the ballot under the independent column.

(e) When presidential electors are to be elected, the names of the nominees of each political party or body for such offices shall be arranged alphabetically under the names of the candidates of the party or body for President and Vice President of the United States. The names of these candidates shall be printed on the ballot in a separate column to the right of the column listing the other candidates of such party or body.

(f) When proposed constitutional amendments or other questions are submitted to a vote of the electors, each amendment or other question so submitted may be printed upon the ballot to the right of or below the groups of candidates for the various offices. Proposed constitutional amendments so submitted shall be printed in brief form as directed by the General Assembly and, in the event of a failure to so direct, the form shall be determined by the Secretary of State. Unless otherwise provided by law, any other state-wide questions so submitted shall be printed in brief form as directed by the General Assembly and, in the event of a failure to so direct, the form shall be determined by the Secretary of State and any local questions so submitted shall be printed in brief form as directed by the General Assembly and, in the event of a failure to so direct, the form shall be determined by the superintendent. To the left of each question there shall be placed the words "Yes" and "No" together with appropriate squares to the left of each for the convenient insertion of a cross (X) or check (✓) mark unless otherwise directed by the General Assembly.

(g) The ballots shall vary in form only as the names of precincts, offices, candidates, or this chapter may require. (Ga. L. 1922, p. 97, §§ 2, 3; Code 1933, §§ 34-1903, 34-1904; Ga. L. 1941, p. 324, § 1; Ga. L. 1948, Ex. Sess., p. 3, § 1; Ga. L. 1958, p. 208, § 6; Ga. L. 1962, p. 98, § 1; Ga. L. 1962, p. 618, § 1; Code 1933, § 34-1103, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1965, p. 226, § 1; Ga. L. 1968, p. 851, § 1; Ga. L. 1969, p. 329, § 12; Ga. L. 1982, p. 1512, § 5; Ga. L. 1983, p. 140, § 1; Ga. L. 1986, p. 772, § 3; Ga. L. 1986, p. 1538, § 1.)

**21-2-285.1. Nonpartisan elections for judicial offices — Form of ballot; run-off election; declaration of prevailing candidate as duly elected.**

The names of all candidates nominated in the nonpartisan primary for the office of judge of a state court, judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court 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 of judges to have printed in prominent type the words "OFFICIAL NONPARTISAN ELECTION BALLOT." Immediately under this caption the following directions shall be printed: "Place a cross (X) or check (✓) mark in the square opposite the name of each nonpartisan candidate for whom you choose to vote. To vote for a person whose name is not on the ballot, manually write his name, accompanied by the title of the office involved, in the write-in column. If you spoil your ballot, do not erase, but ask for a new ballot. Use only pen or pencil." Immediately under the directions, the name of each nonpartisan candidate shall be arranged under the title of the office for which such candidate was nominated in the official nonpartisan primary. 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 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 for judges 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 of judges. The candidate having a 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. (Code 1981, § 21-2-285.1, enacted by Ga. L. 1983, p. 1190, § 12; Ga. L. 1984, p. 133, § 1.)

**21-2-286. Printing specifications, numbering, and binding of ballots.**

(a) In any primary or election, the superintendent shall cause the ballots to be printed in the form prescribed by this chapter.

(b) Ballots shall be at least six inches long and four inches wide and shall have a margin extending beyond any printing thereon. They shall be printed with the same kind of type, which shall not be smaller than the size known as "brevier" or "eight point body," upon white paper of uniform quality, without any impression or mark to distinguish one from another, and with sufficient thickness to prevent the printed matter from showing through, except that ballots being used in primaries held by more than one party may be of different colors if the parties so agree. Each ballot shall be attached to a name stub, and all the ballots for the same precinct shall be bound together in books of 25, 50, or 100, in such manner that each ballot may be detached from its stub and removed separately. The ballots for each party to be used at a primary shall be bound separately. The name stubs of the ballots shall be consecutively numbered; and, in the case of primary ballots, the number shall be preceded by an initial or abbreviation designating the party name. The number and initial or abbreviation which appears upon the stub shall also be printed in the upper portion of the front of the ballot, separated from the remainder of the ballot by a horizontal perforated line so as to constitute a number strip and so prepared that the upper portion of the front of the ballot containing the number may be detached from the ballot before it is deposited in the ballot box. The number strip on the ballot shall also have the following words printed thereon: "Tear off before depositing ballot in ballot box." (Ga. L. 1941, p. 324, § 1; Code 1933, § 34-1104, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 329, § 13; Ga. L. 1982, p. 1512, § 5; Ga. L. 1984, p. 1, § 9; Ga. L. 1987, p. 1360, § 13.)

**21-2-287. Form of absentee ballot.**

The form for the absentee ballot shall be in substantially the same form as the official ballots used in the precincts, except it shall be printed with only the name stub and without a number strip. (Code 1933, § 34-1104, enacted by Ga. L. 1970, p. 347, § 15; Ga. L. 1982, p. 1512, § 5.)

**21-2-288. Procedure as to printing of ballots when candidates for same nomination or office have same or similar names.**

If two or more candidates for the same nomination or office shall have the same or similar names, the Secretary of State, in the case of federal or state offices, or the superintendent of elections, in the case of county offices, shall print or cause to be printed the residence of all candidates for such nomination or office on the ballot under their names. The designated official shall determine whether the names of the candidates are of such a similar nature as to warrant printing the residence of all candidates for that office on the ballot; and the decision of the desig-

nated official shall be conclusive. (Code 1933, § 34-1105, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1980, p. 1256, § 3; Ga. L. 1982, p. 1292, § 8.)

**21-2-289. Printing on ballots of names of substitute candidates.**

As soon as any substitute candidate has been duly nominated by his political party or body pursuant to Code Section 21-2-134, at any time prior to the day on which the printing of ballots is started, his name shall be substituted in place of that of the candidate who has died, withdrawn, or been disqualified. (Ga. L. 1948, Ex. Sess., p. 3, § 1; Ga. L. 1962, p. 618, § 1; Code 1933, § 34-1106, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-290. Superintendent to provide number of ballots equal to number of registered electors in precinct.**

The superintendent shall provide, for each precinct in which a primary or election is to be held, a number of ballots equal to the number of registered electors. (Code 1933, § 34-1107, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 329, § 14; Ga. L. 1976, p. 469, § 1; Ga. L. 1982, p. 1512, § 5.)

**21-2-291. Procedure as to unopposed candidates.**

Any other provision of law to the contrary notwithstanding, in the event there is no opposed candidate in a precinct in a special or general election, no special or general election shall be held in such precinct unless a write-in candidate has qualified as provided by law or unless there are issues to be submitted to the electorate. Each such unopposed candidate shall be deemed to have voted for himself. Where feasible, the superintendent shall provide notice reasonably calculated to inform the affected electorate that no special or general election is to be conducted. The superintendent shall certify such unopposed candidate as elected in the same manner as he certifies other candidates as elected pursuant to Code Section 21-2-493. (Code 1933, § 34-1112, enacted by Ga. L. 1978, p. 1979, § 1; Ga. L. 1984, p. 1, § 10; Ga. L. 1987, p. 977, § 1.)

**21-2-292. Duty of superintendent to have forms of ballots on file for public inspection prior to election.**

The superintendent shall have on file in his office open to public inspection, at least five days prior to the day of holding each primary and election, forms of the ballots, with the names and such statements and notations printed thereon as may be required by this chapter. Such forms shall be used in each precinct within the county. (Code 1933,

§ 34-1108, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1982, p. 1512, § 5.)

**21-2-293. Correction of mistakes and omissions on ballot.**

When it is shown by affidavit that a mistake or omission has occurred in the printing of official ballots for any primary or election, the superior court of the proper county may, upon the application of any elector of the county, require the superintendent to correct the mistake or omission or to show cause why he should not do so. (Code 1933, § 34-1110, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-294. Responsibility of superintendent for recording number of ballots furnished and number of stubs, unused ballots, and canceled ballots returned.**

The superintendent shall keep a record of the number of official ballots printed and furnished to each precinct at each primary and election and of the number of stubs, unused ballots, and canceled ballots subsequently returned therefrom. (Code 1933, § 34-1111, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1982, p. 1512, § 5.)

ARTICLE 9

VOTING MACHINES AND VOTE RECORDERS GENERALLY

PART 1

GENERAL PROVISIONS

**21-2-310. Definitions.**

As used in this article, the term:

(1) "Candidate counters" or "question counters" means the counters which numerically register the votes cast for candidates and on questions, respectively.

(2) "Diagram" means an illustration of the official ballot showing the names of the parties, bodies, offices, and candidates and statements of the questions, in their proper places, together with the voting devices therefor.

(3) "Protective counter" means a counter or protective device or devices that will register each time the machine is operated and shall be constructed and so connected that it cannot be reset, altered, or operated except by operating the machine.

(4) "Public counter" means a counter or other device which shall, at all times, publicly indicate how many times the machine has been voted on at an election.

(5) "Registering counter" shall not include a protective counter.

(6) Reserved.

(7) "Vote indicator" means those devices with which votes are indicated for candidates or for or against questions. (Code 1933, § 34-1201, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1984, p. 1087, § 1; Ga. L. 1990, p. 243, § 7.)

## PART 2

### VOTING MACHINES

#### **21-2-320. Power of governing authority to authorize use of and to procure voting machines.**

The governing authority of any county 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; and thereupon the governing authority shall purchase, lease, rent, or otherwise procure voting machines conforming to the requirements of this part. (Code 1933, § 34-1202, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

#### **21-2-321. Referendum on question of use of voting machines.**

(a) The governing authority of any county may, upon its own motion, submit to the electors of the county, at any election, the question: "Shall voting machines be used in the County of \_\_\_\_\_?"

(b) The governing authority, 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, shall, at the next election occurring at least 45 days thereafter, submit to the electors of such county the question: "Shall voting machines be used in the County of \_\_\_\_\_?"

(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 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 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, it shall be the duty of the governing authority of such county 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 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 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, 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 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 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. (Code 1933, § 34-1203, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

### **21-2-322. General requirements as to voting machines.**

No voting machine shall be adopted or used unless it shall, at the time, satisfy the following requirements:

(1) It shall provide facilities for voting for such candidates as may be nominated and upon such questions as may be submitted;

(2) It shall permit each elector, at other than primaries, to vote a straight party or body ticket, with the exception of candidates for the offices of presidential electors, in one operation; in one operation, to vote for all the candidates of one party or body for presidential electors; and, in one operation, to vote for all the candidates of one party or body for every office to be voted for except those offices as to which he votes for individual candidates and the offices of presidential electors;

(3) Except as provided in paragraph (2) of this Code section for presidential electors, it shall permit each elector, at other than prima-

ries, to vote a ticket selected from the nominees of any and all parties or bodies, from independent nominations, and from persons not in nomination;

(4) It shall permit each elector to vote, at any election, for any person and for any office for whom and for which he is lawfully entitled to vote, whether or not the name of such person or persons appears upon a ballot label as a candidate for election; to vote for as many persons for an office as he is entitled to vote for; and to vote for or against any question upon which he is entitled to vote;

(5) It shall preclude each elector from voting for any candidate or upon any question for whom or upon which he is not entitled to vote; from voting for more persons for any office than he is entitled to vote for; and from voting for any candidate for the same office or upon any question more than once;

(6) It shall be capable of adjustment by poll officers so as to permit each elector at a primary to vote only for the candidates seeking nomination by the party in whose primary he is then voting and so as to preclude him from voting for the candidates seeking nomination by any party in whose primary he is not then voting;

(7) It shall fairly permit each elector to deposit, write in, or affix upon receptacles or devices provided for the purpose ballots containing the names of persons for whom he desires to vote whose names do not appear upon the machine; provided, however, that, if the machine does not fairly permit such a vote to be cast, an elector desiring to vote for any person whose name does not appear on the machine shall be permitted to vote in the election by the use of a paper ballot which shall be furnished by the superintendent;

(8) It shall permit each elector to change his vote for any candidate or upon any question appearing upon the ballot labels up to the time he begins to register his vote or indicates or expresses his intentions to register his vote;

(9) It shall permit and require voting in absolute secrecy and shall be so constructed that no person can see or know for whom any other elector has voted or is voting, save an elector whom he has assisted or is assisting in voting, as prescribed by law;

(10) It shall have voting devices for separate candidates and questions, which shall be arranged in separate parallel rows or columns, so that, at any primary, one or more adjacent rows or columns may be assigned to the candidates of a party or body and shall have parallel office columns or rows transverse thereto;

(11) It shall have a public counter or other device, the register of which is visible from the outside of the machine, which shall show

during any period of voting the total number of electors who have operated the machine during such period of voting;

(12) It shall have a protective counter or other device, the register of which cannot be reset, which shall record the cumulative total number of movements of the operating mechanism;

(13) It shall be provided with a lock or locks, by the use of which, immediately after the polls are closed or the operation of the machine for a primary or election is completed, all movements of the registering mechanism are absolutely prevented;

(14) It shall be provided with a screen, hood, or curtain which shall conceal the actions of the elector while voting;

(15) It shall be constructed of material of good quality in a neat and workmanlike manner;

(16) It shall, when properly operated, register or record correctly and accurately every vote cast;

(17) It shall be so constructed that an elector may readily learn the method of operating it;

(18) It shall be safely transportable;

(19) It shall be so constructed and controlled that during the progress of voting it shall preclude every person from seeing or knowing the number of votes registered for any candidate and from tampering with any of the registering mechanism; and

(20) If it is of a type equipped with mechanism for printing paper proof sheets and not requiring the counters to be made visible in order to canvass the votes recorded on the machine, the door or other device concealing such counters or keeping the same concealed may be equipped with a lock or locks, requiring the simultaneous use of three separate and substantially different keys to open or operate the same. (Code 1933, § 34-1206, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 851, §§ 2, 3; Ga. L. 1969, p. 329, § 15a.)

**21-2-323. Installation of voting machines; discontinuance of use of paper ballots; minimum number of machines required; use of different types of voting machines; requirements as to working order of voting machines and number of candidates which can be accommodated.**

(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. 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 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.

(d) The 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. (Code 1933, § 34-1204, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 329, § 15; Ga. L. 1976, p. 463, § 1; Ga. L. 1982, p. 1512, § 5; Ga. L. 1983, p. 140, § 1.)

**21-2-324. Examination and approval of voting machines by Secretary of State; appointment and compensation of examiners.**

(a) Any person or organization owning, manufacturing, or selling, or being interested in the manufacture or sale of, any voting machine may request the Secretary of State to examine the machine. Any ten or more electors of this state may, at any time, request the Secretary of State to reexamine any voting machine previously examined and approved by him. Before any such examination or reexamination, the person, persons, or organization requesting such examination or reexamination shall pay to the Secretary of State the reasonable expenses of such examination; provided, however, that in the case of a request by ten or more electors the examination fee shall be \$250.00. The Secretary of State may, at any time, in his discretion, reexamine any voting machine.

(b) The Secretary of State shall thereupon require such machine to be examined or reexamined by three examiners whom he shall appoint for the purpose, of whom one shall be an expert in patent law and the other two shall be experts in mechanics, and shall require of them a written report on such machine, attested by their signatures; and the Secretary of State himself shall examine the machine and shall make and file in his office, together with the reports of the examiners appointed by him, his own report, attested by his signature and the seal of his office, stating whether, in his opinion and in consideration of the reports of the examiners aforesaid, the kind of machine so examined can be safely used by electors at primaries and elections as provided in this chapter. If his report states that the machine can be so used, the machine shall be

deemed approved; and machines of its kind may be adopted for use at primaries and elections as provided in this chapter.

(c) No kind of voting machine not so approved shall be used at any primary or election and if, upon the reexamination of any voting machine previously approved, it shall appear that the machine so reexamined can no longer be safely used by electors at primaries or elections as provided in this chapter because of a substantial defect in design, the approval of the same shall immediately be revoked by the Secretary of State; and no such voting machine shall thereafter be purchased for use or be used in this state.

(d) When a machine has been so approved, no improvement or change that does not impair its accuracy, efficiency, or capacity shall render necessary a reexamination or reapproval of the machine or of its kind.

(e) Neither the Secretary of State, nor any examiner appointed by him for the purpose prescribed by this Code section, nor any superintendent, nor the governing authority of any county 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.

(f) The compensation of each examiner appointed under this Code section shall be fixed and paid by the Secretary of State. (Code 1933, § 34-1205, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1984, p. 1087, § 2.)

### **21-2-325. Form of ballot labels generally.**

(a) The ballot labels shall be printed in black ink upon clear, white, or pastel colored material, of such size as will fit the ballot frame, and in plain, clear type so as to be easily readable by persons with normal vision.

(b) If the construction of the machine shall require it, the ballot label for each candidate, group of candidates, political party or body, or question to be voted on shall bear the designating letter or number of the counter on the voting machine which will register or record votes therefor. Each question to be voted on shall appear on the ballot labels, in brief form, of not more than 75 words. Unless otherwise provided by law, proposed constitutional amendments so submitted shall be in brief form as directed by the General Assembly and, in the failure to so direct, the form shall be determined by the Secretary of State. Unless otherwise provided by law, any other state-wide questions so submitted shall be printed in brief form as directed by the General Assembly and, in the event of a failure to so direct, the form shall be determined by the Secretary of State and any local questions so submitted shall be printed

in brief form as directed by the General Assembly and, in the event of a failure to so direct, the form shall be determined by the superintendent.

(c) The ballot label for each candidate or group of candidates nominated by a party or body shall contain the name or designation of the party or body.

(d) The titles of offices may be arranged horizontally or vertically, with the names of candidates for an office arranged transversely under or opposite the title of the office. The incumbency of a candidate seeking election for the public office he or she then holds shall be indicated on the ballot labels.

(e) The names of all candidates nominated by a party or body shall appear in adjacent rows or columns containing generally the names of candidates nominated by such party or body, provided that the names of individual candidates for presidential elector shall not appear upon the ballot labels, but, in lieu thereof, the names of the candidates of such party or body for President and Vice President shall be printed on a single ballot label, together with the name of such party or body.

(f) The form and arrangement of ballot labels shall be prepared by the superintendent.

(g) The names of all candidates of a party or body shall appear in the same row or column, and no other names shall appear in the same row or column, to the left or top of which shall be a straight party or body lever by means of which an elector may, in one operation, vote for all the candidates of that party or body for every office to be voted for, with the exception of candidates for the offices of presidential electors. The names of candidates and independent candidates shall be arranged under or opposite the title of the office for which they are candidates and shall appear in the order prescribed by subsection (c) and the second sentence of subsection (e) of Code Section 21-2-285. The rows or columns occupied by the names of the candidates of political parties and bodies shall be arranged according to the priority prescribed by subsection (c) of Code Section 21-2-285. When voting machines are used on which the titles of offices are arranged horizontally, the names of all candidates for the same office shall appear within the same vertical lines. The names of all candidates for the office of judge of a state court, judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court shall appear on a separate portion of the voting machine in the form and arrangement prescribed in Code Section 21-2-285.1 insofar as practicable. At the top of the separate portion shall be printed in prominent type the words "OFFICIAL NONPARTISAN ELECTION BALLOT."

(h) In primaries, the ballot labels containing the names of candidates seeking nomination by a political party shall be segregated on the face of

the machine in adjacent rows or columns by parties, the priority of such political parties on the ballot labels to be determined in the order prescribed by subsection (c) of Code Section 21-2-285. In nonpartisan primaries, the ballot labels shall include a separate portion for the names of candidates seeking election in a nonpartisan primary for state and county judicial offices and the heading and arrangement of such candidates shall be as prescribed by Code Section 21-2-284.1 insofar as practicable. At the top of the separate portion shall be printed in prominent type the words "OFFICIAL NONPARTISAN PRIMARY BALLOT."

(i) In primaries, if it shall be impracticable to place on the ballot labels of one machine the names of all candidates seeking nomination in all political parties and the names of all candidates seeking nomination in a nonpartisan primary for state and county judicial offices, the superintendent may arrange for the names of all the candidates seeking nomination in any one political party to be placed on separate voting machines; provided, however, that the names of all candidates seeking nomination in a nonpartisan primary for state and county judicial offices shall appear on all machines.

(j) Any other provision of law to the contrary notwithstanding, in the event there is no opposed candidate in a precinct in a special or general election, no special or general election shall be held in such precinct unless a write-in candidate has qualified as provided by law or unless there are issues to be submitted to the electorate. Each such unopposed candidate shall be deemed to have voted for himself. Where feasible, the superintendent shall provide notice reasonably calculated to inform the affected electorate that no special or general election is to be conducted. The superintendent shall certify such unopposed candidate as elected in the same manner as he certifies other candidates as elected pursuant to Code Section 21-2-493. (Code 1933, § 34-1208, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 851, § 4; Ga. L. 1977, p. 1053, § 6; Ga. L. 1978, p. 1004, § 19; Ga. L. 1978, p. 1979, § 2; Ga. L. 1979, p. 624, § 2; Ga. L. 1980, p. 437, § 1; Ga. L. 1982, p. 1512, § 5; Ga. L. 1983, p. 140, § 1; Ga. L. 1983, p. 1190, § 13; Ga. L. 1984, p. 133, § 1; Ga. L. 1986, p. 772, § 4; Ga. L. 1986, p. 1538, § 2; Ga. L. 1987, p. 34, § 1; Ga. L. 1988, p. 647, § 2; Ga. L. 1989, p. 10, § 1.)

#### **21-2-326. Unofficial ballot labels.**

If ballot labels for a precinct at which a voting machine is to be used are not delivered to the poll officers as required by this chapter, the chief manager of such precinct shall cause other labels to be prepared, printed, or written, as nearly in the form of official ballot labels as practicable; and the poll officers shall cause the labels, so substituted, to be used at the primary or election, in the same manner, as nearly as may be, as the official labels. Such labels, so substituted, shall be known as unoffi-

cial ballot labels. (Code 1933, § 34-1215, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1978, p. 1004, § 21; Ga. L. 1982, p. 1512, § 5.)

**21-2-327. Preparation of voting machines for voting; appointment, oath of office, duties, and compensation of custodians of voting machines and their deputies; notice of such preparation; inspection of voting machines; affidavits as to preparation of machines; furnishing of ballot labels, forms of certificates, and other papers and supplies.**

(a) The superintendent of each county shall cause the proper ballot labels to be placed on each voting machine which is to be used in any precinct within such county, 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 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 is then voting and so that no elector can vote for the candidates seeking nomination by any political party in whose primary he 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 such compensation as shall be fixed by the governing authority of the county. 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 and the deputy custodians, whose duty it shall be to assist him in the discharge of his 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, the superintendent shall mail to the foreman of the grand jury, the chairman 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 chairman 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 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 chairman of such committee, and one representative of each aforementioned organization of citizens, certified by the chairman or presiding officer of such organization, and any such independent candidate or his 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 shall make an affidavit, which each shall sign, and request each representative of a party, body, or a citizens' organization, or candidate or his agent present at the preparation of the machine, to attest, and which shall be filed with the superintendent, 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 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, 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. (Code 1933, § 34-1209, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1970, p. 347, § 16; Ga. L. 1977, p. 1053, § 7; Ga. L. 1978, p. 1004, § 20; Ga. L. 1982, p. 1512, § 5; Ga. L. 1987, p. 34, § 1; Ga. L. 1992, p. 56, § 1.)

**21-2-328. Delivery, set up, and sealing of properly furnished voting machines prior to primary or election; protection of voting machines against molestation or injury.**

(a) The superintendent shall deliver the proper voting machine or voting machines, properly furnished with ballot labels, to the polling places of the respective precincts at least one hour before the time set for opening the polls at each primary or election and shall cause each machine to be set up in the proper manner for use in voting. Each machine shall then remain sealed until the examination immediately preceding the opening of the polls prescribed by this chapter.

(b) The superintendent shall provide ample protection against molestation of and injury to the voting machine and, for that purpose, shall call upon any law enforcement officer to furnish such assistance as may be necessary; and it shall be the duty of the law enforcement officer to furnish such assistance when so requested by the superintendent.

(c) The superintendent shall furnish for each voting machine at least one hour before the opening of the polls:

(1) A lamp which shall give sufficient light to enable electors, while in the voting machine booth, to read the ballot labels, and which shall be suitable for the use of poll officers in examining the counters; and the lamp shall be prepared and in good order for use before the opening of the polls;

(2) Two diagrams, of suitable size, representing such part of the face of such voting machine as will be in use in the primary or election and accompanied by directions for voting on the machine; and such diagrams shall be posted prominently outside the enclosed space within the polling place; and

(3) A seal for sealing the machine after the polls are closed; an envelope for the return of the keys, if the construction of the voting machine shall permit their separate return; and such other election materials and supplies as may be necessary or as may be required by

law. (Code 1933, § 34-1210, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1982, p. 1512, § 5.)

**21-2-329. Delivery of voting machine keys to chief manager.**

The superintendent shall deliver the keys which unlock the operating mechanism and the registering counters or counter compartment of the voting machine to the chief manager not later than one hour before the time set for the opening of the polls and shall take his receipt therefor. The keys shall be enclosed in a sealed envelope on which shall be written or printed:

- (1) The number of the voting machine;
- (2) The designation of the precinct;
- (3) The number of the seal; and
- (4) The number registered on the protective counter or device as reported by the custodian;

provided, however, that, if the type of voting machine used requires the simultaneous use of three keys to unlock the registering counters or counter compartment, only two of the said keys shall be enclosed in such sealed envelope, the third key being retained by the custodian or the superintendent. (Code 1933, § 34-1212, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1982, p. 1512, § 5; Ga. L. 1987, p. 34, § 1.)

**21-2-330. Public exhibition of and instruction on sample voting machine.**

(a) During the 30 days next preceding a general primary or election or during the ten days next preceding a special primary or election, the superintendent shall place on public exhibition, in such public places and at such times as he 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.

(b) During such public exhibition and instruction, the counting mechanism of the voting machine shall be concealed from view and the doors or cover concealing the same shall be opened, if at all, only temporarily and only upon written authorization from the superintendent.

(c) Prior to any primary or election, the superintendent may cause copies of any diagram or diagrams required to be furnished with voting machines at polling places to be made, either in full size or in reduced size, and to be posted, published, advertised, or distributed among the electors in such manner as he may deem desirable. (Code 1933, § 34-1213, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1982, p. 3, § 21.)

**21-2-331. Designation and compensation of custodians of voting machines and keys; storage of voting machines when not in use.**

(a) The superintendent shall designate a person or persons who shall have the custody of the voting machines of the county and the keys therefor when the machines are not in use at a primary or election and shall provide for his compensation and for the safe storage and care of the machines and keys.

(b) All voting machines, when not in use, shall be properly covered and stored in a suitable place or places. (Code 1933, § 34-1216, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-332. Use of portable polling facilities.**

In precincts in which voting machines are used, the superintendent may, in his discretion, procure and provide portable polling facilities of adequate size for any or all of such precincts. (Code 1933, § 34-1211, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1982, p. 1512, § 5.)

**21-2-333. Responsibility of county governing authority to provide for payment of voting machines; issuance of bonds or other indebtedness to meet costs.**

The governing authority of any county 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. Bonds or other evidence of indebtedness may be issued in accordance with the provisions of law relating to the increase of indebtedness of counties to meet all or any part of the cost of the voting machines. (Code 1933, § 34-1207, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-334. Voting by paper ballot when use of voting machine impossible or impracticable.**

If a method of nomination or election for any candidate or office, or of voting on any question is prescribed by law, in which the use of voting machines is not possible or practicable, or in case, at any primary or election, the number of candidates seeking nomination or nominated for any office renders the use of voting machines for such office at such primary or election impracticable, or if, for any other reason, at any primary or election the use of voting machines wholly or in part is not practicable, the superintendent may arrange to have the voting for such candidates or offices or for such questions conducted by paper ballots. In such cases, paper ballots shall be printed for such candidates, offices, or questions, and the primary or election shall be conducted by the poll officers, and the ballots shall be counted and return thereof made in the manner required by law for such nominations, offices, or questions, insofar as paper ballots are used. (Code 1933, § 34-1214, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

## PART 3

## VOTE RECORDERS AND TABULATING MACHINES

**21-2-350. General requirements as to vote recorders.**

No vote recorder shall be adopted or used unless it shall, at the time, satisfy the following requirements:

(1) It shall provide facilities for voting for such candidates as may be nominated and upon such question as may be submitted;

(2) It shall permit each elector, at other than primaries, to vote a straight party or body ticket, with the exception of candidates for the offices of presidential electors, in one operation per ballot card; and in one operation per ballot card, to vote for all the candidates of one party or body for presidential electors; or, in one operation per ballot card, to vote for all the candidates of one party or body for every office to be voted for except those offices as to which he votes for individual candidates and the offices of presidential electors;

(3) Except as provided in paragraph (2) of this Code section for presidential electors, it shall permit each elector, at other than primaries, to vote a ticket selected from the nominees of any and all parties or bodies, from independent nominations, and from persons not in nomination;

(4) It shall permit each elector to vote, at any election, for any person and for any office for whom and for which he is lawfully

entitled to vote, whether or not the name of such person or persons appears upon a ballot label as a candidate for election; to vote for as many persons for an office as he is entitled to vote for; and to vote for or against any question upon which he is entitled to vote;

(5) When used in conjunction with a tabulating machine, it shall preclude the counting of votes for any candidate or upon any question for whom or upon which an elector is not entitled to vote; shall preclude the counting of votes for more persons for any office than he is entitled to vote for; and shall preclude the counting of votes for any candidate for the same office or upon any question more than once;

(6) It shall permit voting in absolute secrecy so that no person can see or know for whom any other elector has voted or is voting, save an elector whom he has assisted or is assisting in voting, as prescribed by law;

(7) It shall be constructed of material of good quality in a neat and workmanlike manner;

(8) It shall, when properly operated, record correctly and accurately every vote cast;

(9) It shall be so constructed that an elector may readily learn the method of operating it; and

(10) It shall be safely transportable. (Code 1933, § 34-1220, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1965, p. 226, § 2; Ga. L. 1968, p. 851, §§ 5, 6; Ga. L. 1982, p. 1292, § 9; Ga. L. 1984, p. 133, § 1.)

**21-2-351. Power of county governing authorities to authorize and direct use of and to procure vote recorders and tabulating machines.**

The governing authority of any county may at any regular meeting or at a special meeting called for the purpose, by a majority vote, authorize and direct the use of vote recorders and tabulating machines for recording and computing the vote at elections held in the county; and thereupon the governing authority shall purchase, lease, rent, or otherwise procure vote recorders and tabulating machines conforming to the requirements of this part. (Code 1933, § 34-1217, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 871, § 16a; Ga. L. 1970, p. 347, § 17; Ga. L. 1984, p. 1087, § 3.)

**21-2-352. Installation and use of vote recorders and tabulating machines.**

(a) When the use of vote recorders and tabulating machines has been authorized in the manner prescribed in this part, such vote recorders and tabulating machines shall be installed, either simultaneously or gradually, within the county. Upon the installation of vote recorders and tabulating 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 vote recorders and tabulating machines are used, the governing authority shall provide at least one vote recorder for each 200 electors therein, or fraction thereof.

(c) Vote recorders of different kinds may be used for different precincts in the same county.

(d) The governing authority shall provide vote recorders 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. (Code 1933, § 34-1218, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 861, § 1; Ga. L. 1969, p. 329, § 16; Ga. L. 1982, p. 1512, § 5; Ga. L. 1983, p. 140, § 1; Ga. L. 1984, p. 1087, § 4.)

**21-2-353. Examination and approval of vote recorders and tabulating machines by Secretary of State.**

(a) Any person or organization owning, manufacturing, or selling, or being interested in the manufacture or sale of, any vote recorder or tabulating machine may request the Secretary of State to examine the vote recorder or tabulating machine. Any ten or more electors of this state may, at any time, request the Secretary of State to reexamine any vote recorder or tabulating machine previously examined and approved by him. Before any such examination or reexamination, the person, persons, or organization requesting such examination or reexamination shall pay to the Secretary of State the reasonable expenses of such examination. The Secretary of State may, at any time, in his discretion, reexamine any vote recorder or tabulating machine.

(b) The Secretary of State shall thereupon examine or reexamine such vote recorder or tabulating machine and shall make and file in his office a report, attested by his signature and the seal of his office, stating whether, in his opinion, the kind of vote recorder or tabulating machine so examined can be safely used by electors at primaries and elections as provided in this chapter. If this report states that the vote recorder or tabulating machine can be so used, the recorder or tabulating machine

shall be deemed approved; and vote recorders and tabulating machines of its kind may be adopted for use at primaries and elections as provided in this chapter.

(c) No kind of vote recorder or tabulating machine not so approved shall be used at any primary or election and if, upon the reexamination of any vote recorder or tabulating machine previously approved, it shall appear that the vote recorder or tabulating machine so reexamined can no longer be safely used by electors at primaries or elections as provided in this chapter, the approval of the same shall immediately be revoked by the Secretary of State; and no such vote recorder or tabulating machine shall thereafter be purchased for use or be used in this state. Every county or municipality which has previously purchased a tabulating machine shall submit such machine to the Secretary of State for examination not later than January 1, 1985.

(d) When a vote recorder or tabulating machine has been so approved, no improvement or change that does not impair its accuracy, efficiency, or capacity shall render necessary a reexamination or reapproval of the vote recorder or tabulating machine, or of its kind.

(e) Neither the Secretary of State, nor any custodian, nor the governing authority of any county or a member of such authority nor any other person involved in the examination process shall have any pecuniary interest in any vote recorder or tabulating machine or in the manufacture or sale thereof. (Code 1933, § 34-1219, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1984, p. 1087, § 5.)

#### **21-2-354. Form of ballot labels.**

(a) The ballot labels shall be printed in black ink, upon clear, white, or colored material, of such size and arrangement as will suit the construction of the vote recorder, and in plain, clear type so as to be easily readable by persons with normal vision; provided, however, that red material shall not be used.

(b) The arrangement of offices, names of candidates, and questions upon the ballot labels 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. In the event that there are more candidates for any office than can be placed upon one page, the label shall be clearly marked to indicate that the names of candidates for the office are continued on the following page.

(c) The form and arrangement of ballot labels shall be prescribed by the Secretary of State and prepared by the superintendent. (Code 1933, § 34-1222, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 871, § 9; Ga. L. 1978, p. 1004, § 22.)

**21-2-355. Use of separate vote recorders for each political party in primaries; use of same vote recorder for two or more parties.**

In primaries, separate vote recorders may be used for each political party. If the same vote recorder is used for two or more political parties on the same day, the ballot cards of each party shall be clearly identified and so designed that only votes cast for candidates of that party will be counted by the tabulating machine. (Code 1933, § 34-1222, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-356. Use of unofficial ballot labels; procedure in cases where vote recorder becomes inoperable during primary or election.**

(a) If ballot labels for a precinct at which a vote recorder is to be used shall not be delivered to the poll officers as required by this chapter, the chief manager of such precinct shall cause other labels to be prepared, printed, or written, as nearly in the form of official ballot labels as practicable; and the poll officers shall cause the labels, so substituted, to be used at the primary or election, in the same manner, as nearly as may be, as the official labels. Such labels, so substituted, shall be known as unofficial ballot labels.

(b) If any vote recorder being used in any primary or election shall become out of order during such primary or election, it shall, if possible, be repaired or another vote recorder substituted by the custodian or superintendent as promptly as possible, for which purpose the governing authority of the county may purchase as many extra vote recorders as it may deem necessary; but, in case such repair or substitution cannot be made, paper ballots, printed or written, and of any suitable form, may be used for the taking of votes. (Code 1933, § 34-1229, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1982, p. 1512, § 5.)

**21-2-357. Form of ballot cards for vote recorders.**

Ballot cards shall be of suitable design, size, and stock to permit processing by a tabulating machine and shall be printed in black ink on clear, white, or colored material. A serially numbered strip shall be attached to each ballot card in a manner and form similar to that prescribed in this chapter for paper ballots. (Code 1933, § 34-1223, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 329, § 17; Ga. L. 1979, p. 955, § 5.)

**21-2-358. Write-in votes.**

In elections, electors shall be permitted to cast write-in votes. The design of the ballot card shall permit the managers, in counting the write-in votes, to determine readily whether an elector has cast any write-in vote not authorized by law. The Secretary of State, in specifying the form of the ballot, and the State Election Board, in promulgating rules and regulations respecting the conduct of elections, shall provide for ballot secrecy in connection with write-in votes. (Code 1933, § 34-1224, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 871, § 9a.)

**21-2-359. Preparation of vote recorders for voting; public tests of counting mechanisms; correction of errors before approval; appointment, duties, and compensation of custodians of recorders and their deputies; free access to and examination of recorders; furnishing of ballot labels, forms of certificates, and other papers and supplies.**

(a) The superintendent of each county shall cause the proper ballot labels to be placed on each vote recorder which is to be used in any precinct within such county and shall cause each vote recorder to be placed in proper order for voting.

(b) The superintendent shall appoint one custodian of vote recorders and such deputy custodians as may be necessary, whose duty it shall be to prepare the vote recorders 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 such compensation as shall be fixed by the governing authority of the county. Such custodian shall, under the direction of the superintendent, have charge of and represent the superintendent during the preparation of the vote recorders as required by this chapter, and he and the deputy custodians, whose duty it shall be to assist him in the discharge of his 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 third day preceding a primary or election, the superintendent shall have the tabulating machines 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. 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 ballot cards so punched or 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 ballot cards which have votes in excess of the number allowed by law in order to test the ability of the

tabulating machine to reject such votes. The tabulating machine 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 machine is approved. The same test shall be repeated immediately before the start of the official count of the ballot cards and at the conclusion of such count. The superintendent or custodian shall also prepare the vote recorders for voting at the various polling places to be used in the primary or election. In preparing the vote recorders, he shall arrange the recorders and the ballot labels so that they meet all requirements of voting and counting at such primary or election, thoroughly inspect and test the vote recorders, and file a certificate in the office of the superintendent that the recorders are in proper order with correct ballot labels.

(d) 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 interested persons.

(e) In every primary or election, the superintendent shall furnish, at the expense of the county, all ballot labels, forms of certificates, and other papers and supplies 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. (Code 1933, § 34-1225, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1970, p. 347, § 18; Ga. L. 1982, p. 1512, § 5; Ga. L. 1985, p. 206, § 1.)

**21-2-360. Delivery and set-up of properly furnished vote recorders and materials prior to primary or election; protection against molestation or injury.**

(a) The superintendent shall deliver the proper vote recorder or vote recorders, properly furnished with ballot labels, to the polling places at least one hour before the time set for opening the polls at each primary or election and shall cause each vote recorder to be set up in the proper manner for use in voting. The superintendent shall place each vote recorder in a voting booth so that the ballot labels on the recorder can be plainly seen by the poll officers when not being voted on.

(b) The superintendent shall provide ample protection against molestation of and injury to the vote recorder and, for that purpose, shall call upon any law enforcement officer to furnish such assistance as may be necessary; and it shall be the duty of the law enforcement officer to furnish such assistance when so requested by the superintendent.

(c) The superintendent shall furnish for each vote recorder at least one hour before the opening of the polls:

(1) A lamp which shall give sufficient light to enable electors, while in the voting booth, to read the ballot labels, and which shall be suitable for the use of poll officers in examining the vote recorder; and the lamp shall be prepared and in good order for use before the opening of the polls;

(2) Two sample ballots printed on a single sheet of white paper or a number of sheets stapled together which shall be a reasonable facsimile of the ballot labels as will be in use in the primary or election and accompanied by directions for voting on the vote recorder; and such sample ballots shall be posted prominently outside the enclosed space within the polling place; and

(3) A seal for sealing the vote recorder after the polls are closed and such other materials and supplies as may be necessary or as may be required by law. (Code 1933, § 34-1226, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-361. Public exhibition of and instruction on sample vote recorder.**

During the 30 days next preceding a general primary or election or during the ten days next preceding a special primary or election, the superintendent shall place on public exhibition, in such public places and at such times as he may deem most suitable for the information and instruction of the electors, one or more vote recorders. Insofar as practicable, the vote recorders shall contain the ballot labels and show the offices and questions to be voted upon, the names and arrangements of parties and bodies, and the names and arrangements of the candidates to be voted for. Such recorder or recorders shall be under the charge and care of a person competent as custodian and instructor. (Code 1933, § 34-1227, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1984, p. 675, § 1.)

**21-2-362. Designation and compensation of custodians of vote recorders and tabulating machines; storage and care of recorders and machines.**

(a) The superintendent shall designate a person or persons who shall have the custody of the vote recorders and tabulating machines of the county when they are not in use at a primary or election and shall provide for his compensation and for the safe storage and care of the vote recorders.

(b) All vote recorders and tabulating machines, when not in use, shall be properly covered and stored in a suitable place or places. (Code 1933, § 34-1230, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1984, p. 1087, § 6.)

**21-2-363. Responsibility of county governing authority to provide for payment for vote recorders and tabulating machines; issuance of bonds or other indebtedness to meet cost of voting machines.**

The governing authority of any county which adopts vote recorders and tabulating machines in the manner provided for by this part shall, upon the purchase of vote recorders and tabulating machines, provide for their payment by the county. Bonds or other evidence of indebtedness may be issued in accordance with the provisions of law relating to the increase of indebtedness of counties to meet all or any part of the cost of the vote recorders and tabulating machines. (Code 1933, § 34-1221, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1984, p. 1087, § 7.)

**21-2-364. Voting by paper ballot when use of vote recorders impossible or impracticable.**

If a method of nomination or election for any candidate or office, or of voting on any question is prescribed by law, in which the use of vote recorders is not possible or practicable, or in case, at any primary or election, the number of candidates seeking nomination or nominated for any office renders the use of vote recorders for such office at such primary or election impracticable, or if, for any other reason, at any primary or election the use of vote recorders wholly or in part is not practicable, the superintendent may arrange to have the voting for such candidates or offices or for such questions conducted by paper ballots. In such cases, paper ballots shall be printed for such candidates, offices, or questions, and the primary or election shall be conducted by the poll officers, and the ballots shall be counted and return thereof made in the manner required by law for such nominations, offices, or questions, insofar as paper ballots are used. (Code 1933, § 34-1228, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1982, p. 3, § 21.)

**21-2-365. Use of optical scan voting systems.**

Optical scan voting systems shall conform as nearly as practicable to the provisions of this chapter regarding vote recorders and tabulating machines. (Code 1981, § 21-2-365, enacted by Ga. L. 1988, p. 964, § 2.)

## ARTICLE 10

## ABSENTEE VOTING

**21-2-380. "Absentee elector" defined.**

As used in this article, the term "absentee elector" means an elector of this state who:

- (1) Is required to be absent from his precinct during the time of the primary or election he desires to vote in;
- (2) Will perform any of the official acts or duties set forth in this chapter in connection with the primary or election he desires to vote in;
- (3) Because of physical disability, will be unable to be present at the polls on the day of such primary or election;
- (4) Because the election or primary falls upon a religious holiday observed by such elector, will be unable to be present at the polls on the day of such primary or election;
- (5) Is required to remain on duty in his or her place of employment for the protection of the health, life, or safety of the public during the entire time the polls are open when such place of employment is within the precinct in which the voter resides; or
- (6) Is 75 years of age or older. (Code 1933, § 34-1401, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 871, § 15; Ga. L. 1969, p. 329, § 17a; Ga. L. 1971, Ex. Sess., p. 61, § 9; Ga. L. 1979, p. 955, § 7; Ga. L. 1982, p. 1512, § 5; Ga. L. 1984, p. 1, § 8; Ga. L. 1987, p. 465, § 1; Ga. L. 1989, p. 1084, § 1.)

**21-2-381. Making of application for absentee ballot; determination of eligibility by ballot clerk; furnishing of applications to colleges and universities; persons entitled to make application.**

- (a) (1) 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 office, an application to the board of registrars of the county of the elector's residence for an official ballot of the elector's precinct to be voted at such primary, election, or runoff. In the case of an elector residing temporarily out of the county or a physically disabled elector residing within the county, the application for the elector's absentee ballot may, upon satisfactory proof of relationship, be made by his 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. 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; and the name and relationship of the person requesting the ballot if other than the elector. Except in the case of physically disabled electors residing in the county, no absentee ballot shall be mailed to an address other than the permanent in-county or temporary out-of-county address of the elector. Relatives applying for absentee ballots for electors must also sign an oath stating that facts in the application are true. If the elector is unable to fill out or sign his own application because of illiteracy or physical disability, the elector shall make his mark, and the person filling in the rest of the application shall sign his name below it as a witness; provided, however, that one timely and proper application for an absentee ballot for use in a primary shall be sufficient to require the mailing of the absentee ballot to an eligible absentee elector who lives outside the county 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 for such primary as well as for any runoffs resulting therefrom and for the election for which such primary shall nominate candidates. Further, such application for an absentee ballot to be used in any election shall be sufficient to require the mailing of an absentee ballot for any runoffs resulting from such election. In any event, a separate and distinct application for an absentee ballot shall 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 subparagraph (b)(2)(A) of Code Section 21-2-217, 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.

(b) Upon receipt of a timely application, a registrar shall enter thereon the date received and shall determine if the applicant is eligible to vote in the primary or election involved. If found eligible, the registrar 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 office or deliver the ballot in person to the elector if he is confined to a hospital. If found ineligible, the board of registrars shall deny the appli-

cation 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 his ineligibility, a copy of which notification should be retained on file in the office of the board of registrars for at least one year. If the registrar is unable to determine the identity of the elector from information given on the application, he should promptly write to request additional information. In the case of an unregistered applicant who is eligible for absentee registration, the board shall immediately mail a blank registration card as provided by Code Section 21-2-230, 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 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 registrar shall also mail a ballot to the applicant, as soon as it is prepared and available; and the ballot shall be cast therein if returned to the board not later than the close of the polls on the day of the primary or election concerned.

(c) In those counties in which the board of registrars provides application forms for absentee ballots, the 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 his 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 he was last domiciled in Georgia immediately before his departure from the United States; and

(B) If he 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 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 his intent to return to Georgia may be uncertain, as long as:

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

(B) He 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 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. 1973ff and applicable state requirements, if a citizen does not possess a valid passport or card of identity and registration. (Ga. L. 1924, p. 186, §§ 3, 6; Code 1933, §§ 34-3302, 34-3305; Ga. L. 1943, p. 228, § 1; Ga. L. 1955, p. 204, §§ 1, 2; Ga. L. 1955, p. 732, §§ 1, 2; Ga. L. 1957, p. 39, § 1; Code 1933, § 34-1402, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 329, §§ 18-20; Ga. L. 1974, p. 71, §§ 1-3; Ga. L. 1977, p. 550, § 1; Ga. L. 1978, p. 1004, § 31; Ga. L. 1979, p. 633, § 1; Ga. L. 1981, p. 1718, § 7; Ga. L. 1983, p. 140, § 1; Ga. L. 1984, p. 1, § 11; Ga. L. 1985, p. 632, § 3; Ga. L. 1986, p. 32, § 1; Ga. L. 1986, p. 932, § 5; Ga. L. 1987, p. 417, § 4; Ga. L. 1987, p. 1360, § 14; Ga. L. 1988, p. 641, § 1; Ga. L. 1989, p. 849, § 2; Ga. L. 1989, p. 1742, § 1; Ga. L. 1990, p. 143, § 3; Ga. L. 1992, p. 1815, § 2.)

**21-2-381.1. Procedures for voting with special write-in absentee ballots by qualified absentee electors.**

(a) Notwithstanding any other provisions of this chapter, a qualified absentee elector, as defined in Code Section 21-2-380, may apply not earlier than 180 days before an election for a special write-in absentee ballot. This ballot shall be for presidential electors and United States senator or representative in Congress.

(b) The application for a special write-in absentee ballot may be made on the federal post card application form or on a form prescribed by the Secretary of State.

(c) In order to qualify for a special write-in absentee ballot, the voter must state that he or she is unable to vote by regular absentee ballot or in person due to requirements of military service or due to living in isolated areas or extremely remote areas of the world. This statement may be made on the federal post card application or on a form prepared by the Secretary of State and supplied and returned with the special write-in absentee ballot.

(d) Upon receipt of said application, the superintendent shall issue the special write-in absentee ballot which shall be prescribed and provided by the Secretary of State. Such ballot shall permit the elector to vote by writing in a party preference for each office, the names of specific candidates for each office, or the name of the person whom the voter prefers for each office. (Code 1981, § 21-2-381.1, enacted by Ga. L. 1984, p. 1, § 12; Ga. L. 1986, p. 772, § 5; Ga. L. 1987, p. 1360, § 15.)

**21-2-382. Utilization of courthouse or courthouse annex in certain counties as registrar's office or place of registration for absentee ballots.**

Any other provisions of this chapter to the contrary notwithstanding, in all counties of this state having a population of 550,000 or more or having a population between 88,000 and 90,000 according to the United States decennial census of 1990 or any future such census, any branch of the county courthouse or courthouse annex established within any such county shall be an additional registrar's office or place of registration for the purpose of receiving absentee ballots under Code Section 21-2-381 and for the purpose of voting absentee ballots under Code Section 21-2-385. (Code 1933, § 34-1406.1, enacted by Ga. L. 1979, p. 677, § 1; Ga. L. 1981, p. 534, § 1; Ga. L. 1982, p. 3, § 21; Ga. L. 1992, p. 1208, § 1.)

**21-2-383. Preparation and delivery of ballots; form of ballots.**

Ballots for use by absentee electors shall be prepared sufficiently in advance by the superintendent and shall be delivered to the board of registrars as provided in Code Section 21-2-384. Such ballots shall be marked "Official Absentee Ballot" and shall be in substantially the form for ballots required by Article 8 of this chapter, except that in counties using voting machines or vote recorders the ballots may be in substantially the form for the ballot labels required by Article 9 of this chapter or in such form as will allow the ballot to be machine tabulated. The form for either ballot shall be determined and prescribed by the Secretary of State. (Code 1933, § 34-1403, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 871, § 15a; Ga. L. 1969, p. 329, § 21.)

**21-2-384. Preparation and delivery of ballots, envelopes, and other supplies; mailing of ballots; oath of absentee electors and persons assisting absentee electors; master list of ballots sent; challenge of absentee electors.**

(a) The superintendent shall, as soon as practicable prior to each primary or election, but at least 45 days prior to any primary or general election, prepare or obtain and deliver an adequate supply of official absentee ballots, envelopes, and other supplies as required by this article, to the board of registrars for use in the primary or election. The board of registrars shall, within two days after the receipt of such supplies, mail or issue official absentee ballots to all eligible applicants; and, as additional applicants are determined to be eligible, the board 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 on the day prior to a primary or

election. The date a ballot is voted in the registrars' 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. The delivery of an absentee ballot to a person confined in a hospital may be made by the registrar on the day of a primary or election or during a five-day period immediately preceding the day of such primary or election. In the event an absentee ballot which has been mailed by the board of registrars is not received by the applicant, the applicant may notify the board of registrars and sign an affidavit stating that the absentee ballot has not been received. The board of registrars 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.

(a.1) Notwithstanding any provision of law to the contrary, at least 31 days prior to the presidential preference primary to be held in 1992, the superintendent shall prepare or obtain and deliver an adequate supply of official absentee ballots, envelopes, and other supplies as required by this article to the board of registrars for use in the presidential preference primary.

(b) In addition to the mailing envelope, the superintendent shall provide two envelopes for each official absentee ballot, of such size and shape as shall be determined by the Secretary of State, in order to permit the placing of one within the other and both within the mailing envelope. On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed the words "Official Absentee Ballot" and nothing else. On the back of the larger of the two envelopes to be enclosed within the mailing envelope shall be printed the form of oath of the elector and the oath for persons assisting electors, as provided for in Code Section 21-2-409, and the penalties provided for in Code Sections 21-2-568, 21-2-573, 21-2-579, and 21-2-598 for violations of oaths; and on the face of such envelope shall be printed the name and address of the board of registrars. The mailing envelope addressed to the elector shall contain the two envelopes, the official absentee ballot, and the uniform instructions for the manner of preparing and returning the ballot, in form and substance as provided by the Secretary of State and nothing else.

(c) 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.

Elector's Residence Address	Elector's Place of Birth
Month and Day of Elector's Birth	Maiden Name of Mother of Elector
	Signature or Mark of Elector

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 \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Signature of Person  
Assisting Elector —  
Relationship

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 ille-

gally 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.

(d) Each board of registrars 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 closing of the polls on the day of the primary or election. (Code 1933, §§ 34-1404, 34-1405, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1970, p. 347, § 27; Ga. L. 1974, p. 71, §§ 4, 5; Ga. L. 1977, p. 684, § 1; Ga. L. 1977, p. 725, § 1; Ga. L. 1982, p. 3, § 21; Ga. L. 1982, p. 1512, § 5; Ga. L. 1985, p. 206, § 1; Ga. L. 1985, p. 496, § 13; Ga. L. 1985, p. 632, § 4; Ga. L. 1986, p. 32, § 1; Ga. L. 1987, p. 34, § 1; Ga. L. 1987, p. 417, § 5; Ga. L. 1989, p. 643, § 9; Ga. L. 1990, p. 143, § 4; Ga. L. 1992, p. 1, § 2; Ga. L. 1992, p. 1815, § 3.)

### **21-2-385. Procedure for voting by absentee ballot.**

(a) At any time after receiving an official absentee ballot, but before the day of the primary or election, except electors who are confined to a hospital on the day of the primary or election, the elector shall vote his absentee ballot, then fold the ballot and enclose and securely seal the same in the envelope on which is printed "Official Absentee Ballot." This envelope shall then be placed in the second one, on which is printed the form of the oath of the elector, the name, relationship, and oath of the person assisting, if any, and other required identifying information. The elector shall then fill out, subscribe, and swear to the oath printed on such envelope. Such envelope shall then be securely sealed and the elector shall then mail or personally deliver same to the board of registrars, provided that delivery by a physically disabled elector may be made by any adult person upon satisfactory proof that such adult person is such elector's mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or an individual residing in the household of such disabled elector. An elector who is confined to a hospital on a primary or election day to whom an absentee ballot is delivered by the registrar shall then and there vote the ballot, seal it properly, and return it to the registrar.

(b) A physically disabled or illiterate elector may receive assistance in preparing his ballot from one of the following: any elector who is qualified to vote in the same county as the disabled or illiterate elector or the mother, father, grandparent, aunt, uncle, brother, sister, 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 disabled or illiterate elector. The person rendering assistance to the elector in preparing the ballot shall sign the oath printed on the same envelope

as the oath to be signed by the elector. If the disabled or illiterate elector is sojourning outside his own county, a notary public of the jurisdiction may give such assistance and shall sign the oath printed on the same envelope as the oath to be signed by the elector. No person shall assist more than ten such electors in any primary, election, or runoff.

(c) When an elector applies in person for an absentee ballot, after the absentee ballots have been printed, the absentee ballot shall be issued to the elector at the time of the application therefor within the confines of the registrar's office; and the elector shall then and there vote and return the absentee ballot as provided in subsections (a) and (b) of this Code section. The board of registrars shall furnish accommodations to the elector to ensure the privacy of the elector while voting his absentee ballot. (Ga. L. 1924, p. 186, § 4; Code 1933, § 34-3303; Ga. L. 1953, Jan.-Feb. Sess., p. 579, § 1; Ga. L. 1955, p. 204, § 3; Ga. L. 1955, p. 732, § 3; Ga. L. 1956, p. 682, §§ 3, 4; Code 1933, § 34-1406, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1965, p. 119, § 1; Ga. L. 1968, p. 871, § 16; Ga. L. 1969, p. 329, § 22; Ga. L. 1974, p. 71, §§ 6-8; Ga. L. 1977, p. 683, § 1; Ga. L. 1980, p. 1256, § 4; Ga. L. 1981, p. 1718, § 8; Ga. L. 1983, p. 140, § 1; Ga. L. 1985, p. 496, § 14; Ga. L. 1986, p. 32, § 1; Ga. L. 1986, p. 932, § 6; Ga. L. 1988, p. 641, § 2; Ga. L. 1989, p. 1742, § 2; Ga. L. 1990, p. 143, § 5; Ga. L. 1992, p. 2510, § 3.)

**21-2-386. Safekeeping, certification, etc., of absentee ballots received from electors; procedure upon rejection of ballot; delivery of ballots to manager; duty of managers to open envelopes and deposit absentee ballots in ballot box; separation of ballots where vote taken on any question involving any political subdivision which includes less than the entire county; marking of challenged ballots; notification to challenged elector.**

(a) (1) The board of registrars 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 paragraph (2) of this subsection. Upon receipt of each ballot, a registrar shall write the day and hour of the receipt of the ballot on its envelope. The registrar shall then compare the identifying information on the oath with the information on file in his office and shall, if the information and signature appear to be valid, so certify by signing his name below the voter's oath. Each elector's name so certified shall be listed by the registrar on the numbered list of absentee voters prepared for his precinct. 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 office,

or if the elector is otherwise found disqualified to vote, the registrar shall write across the face of the envelope "Rejected," giving the reason therefor. The board of registrars shall promptly notify the elector of such rejection, a copy of which notification shall be retained in the files of the board of registrars for at least one year. 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 electors and three copies of the numbered list of rejected absentee electors 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. All absentee ballots returned to the board after the closing of the polls on the day of the primary or election shall be safely kept unopened by the board 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 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.

(2) After 5:00 P.M. and until the closing of the polls on the day of the primary or election, the registrars shall be authorized to open the outer envelope on which is printed the oath of the elector in such a manner as not to destroy the oath printed thereon; provided, however, that the registrars shall not be authorized to remove the contents of such outer envelope or to open the inner envelope marked "Official Absentee Ballot." At least three persons who are registrars, deputy registrars or poll workers must be present before commencing.

(b) After the close of the polls on the day of the primary or election, in precincts other than those in which vote recorders are used, a registrar shall deliver the official absentee ballot of each certified absentee elector, each rejected absentee ballot, applications for such ballots, and copies of the numbered lists of certified and rejected absentee electors to the manager in charge of the absentee ballot precinct of the county, which shall be located in the precinct containing the county courthouse. Such manager with two assistant managers, appointed by the superintendent, with such clerks as the manager deems necessary shall count the absentee ballots following the procedures prescribed by this chapter for other ballots, insofar as practicable, and prepare an election return for the county showing the results of the absentee ballots cast in such county. In those precincts in which vote recorders are used, such absentee ballots shall be taken to the tabulation center or other place designated by the superintendent, and the official receiving such absentee ballots shall issue his receipt therefor. A manager shall then open the envelope in

such manner as not to destroy the oath printed thereon and shall deposit the inner envelope marked "Official Absentee Ballot" in a ballot box reserved for absentee ballots and shall count the absentee ballots for the county in the manner as prescribed above.

(b.1) Notwithstanding any provision of law to the contrary, with respect to the presidential preference primary to be held in 1992 the board of registrars shall also keep safely and unopened all official absentee ballots received from absentee electors after 7:00 P.M. on the date of the presidential preference primary but no later than 5:00 P.M. on the fourteenth day following the date of the presidential preference primary which are postmarked on or before the date of the presidential preference primary. At 5:00 P.M. on the fourteenth day following the date of the presidential preference primary the registrars shall deliver all such ballots to the election superintendent to be counted in the same manner as absentee ballots are ordinarily counted.

(c) Any other provision of law to the contrary notwithstanding, if at any primary, general, or special election in any county any question is to be voted on involving any political subdivision which includes less than the entire county, all absentee ballots shall be separated by precinct for counting purposes; and separate returns shall be certified for each precinct in which absentee ballots were cast.

(d) 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. The board of registrars shall promptly notify the elector of such challenge. (Ga. L. 1924, p. 186, §§ 11, 12, 14; Code 1933, §§ 34-3311, 34-3312, 34-3314; Ga. L. 1955, p. 204, § 5; Code 1933, § 34-1407, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 280, §§ 1, 2; Ga. L. 1974, p. 71, §§ 9-11; Ga. L. 1977, p. 725, § 2; Ga. L. 1978, p. 1004, § 32; Ga. L. 1979, p. 629, § 1; Ga. L. 1982, p. 1512, § 5; Ga. L. 1983, p. 140, § 1; Ga. L. 1990, p. 143, § 6; Ga. L. 1992, p. 1, § 4; Ga. L. 1992, p. 1815, § 4.)

### **21-2-387. Procedure as to ballots of deceased electors.**

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 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. (Code 1933, § 34-1408, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-388. Cancellation of absentee ballots of electors who are present in election precinct during primaries and elections.**

When an absentee ballot which has been voted shall be returned to the board of registrars, it shall be deemed to have been voted then and there; and no other absentee ballot shall be issued to the same elector. However, if an elector, other than one whose physical disability, official election duties, or observance of a religious holiday prevents his attendance at the polls, is present in the precinct of his residence during the time the polls are open in any primary, election, or runoff for which he has requested an absentee ballot, such elector shall have the absentee ballot canceled in one of the following ways:

(1) By surrendering his absentee ballot to the poll manager of the precinct in which his name appears on the electors list and then being permitted to vote the regular ballot. The poll manager shall mark "Canceled" and the date and time across the face of the absentee ballot and shall initial same. He shall also make appropriate notations beside the name of the elector on the electors list. All such canceled absentee ballots shall be returned with other ballots to the superintendent;

(2) By appearing in person before the registrars and requesting in writing that the envelope containing his absentee ballot be marked "Canceled." After having satisfied themselves as to the identity of such elector, the registrars shall grant the request and shall notify the managers of the elector's precinct as to such action so as to permit him to vote in person in his precinct. If the absentee ballot is in the possession of the registrars, it shall be promptly marked "Canceled" and the date and time written across the face of the envelope. If the absentee ballot is in the mail or its exact location is unknown, the registrar shall write "Canceled" beside the elector's name on the master list of absentee voters and shall cancel the ballot itself as soon as it is received. Canceled absentee ballots shall be disposed of in the same manner as provided in subsection (a) of Code Section 21-2-386 for absentee ballots returned too late to be cast. (Code 1933, § 34-1409, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1974, p. 71, § 12; Ga. L. 1981, p. 1718, § 9; Ga. L. 1982, p. 1512, § 5.)

**21-2-389. Payment of postage for mailing absentee ballots.**

The postage required for mailing ballots to absentee electors, as provided for in this article, shall be paid by the county, except in cases where free mail delivery is furnished by the federal government. (Code 1933, § 34-1410, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1987, p. 417, § 6.)

**21-2-390. Delivery of election materials to clerk of superior court after primary or election; accounting for ballots by registrars.**

All official absentee ballots, applications for such ballots, and envelopes on which the forms of affidavits and jurats appear shall be delivered to the clerk of the superior court upon the conclusion of the primary or election and shall be safely kept by him for the period required by law and then shall be destroyed. On the day following the primary or election, the board of registrars shall transmit all canceled, spoiled, and unused absentee ballots and copies of requests for cancellation of absentee ballots to the clerk of the superior court to be held with other election materials as provided in Code Section 21-2-500. The registrars shall also transmit an accounting of all absentee ballots, including the number furnished by the superintendent, the number issued to electors, the number spoiled, and the number unused. (Ga. L. 1924, p. 186, § 10; Code 1933, § 34-3309; Code 1933, § 34-1411, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1974, p. 71, § 13.)

## ARTICLE 11

### PREPARATION FOR AND CONDUCT OF PRIMARIES AND ELECTIONS

#### PART 1

##### GENERAL PROVISIONS

**21-2-400. Duty of superintendent to obtain cards of instruction, blank forms of oaths, and other forms and supplies; preparation and distribution of sample or facsimile ballot labels.**

(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 used in the county, that is, paper ballots, voting machines, or vote recorders. The superintendent shall also obtain from the Secretary of State a sufficient number of blank forms of oaths of poll officers, voter's certificates, 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.

(b) In those counties which employ the use of vote recorders or voting machines, the superintendent shall prepare sample or facsimile ballot labels for each general election which shall contain each question and the

candidates who are offering for election for each office which will be voted upon in the county. The superintendent shall maintain such sample or facsimile ballot labels at the county courthouse for distribution upon request to interested electors. Such sample or facsimile ballot labels shall comply with Code Section 21-2-575. (Orig. Code 1863, § 1237; Code 1868, § 1318; Code 1873, § 1291; Code 1882, § 1291; Ga. L. 1895, p. 23, § 1; Civil Code 1895, § 76; Ga. L. 1900, p. 69, §§ 1, 3; Civil Code 1910, §§ 86, 87; Ga. L. 1922, p. 97, § 7; Code 1933, §§ 34-1401, 34-1402, 34-1908; Code 1933, § 34-1301, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1970, p. 347, § 19; Ga. L. 1977, p. 1198, § 1; Ga. L. 1982, p. 1512, § 5.)

**21-2-401. Duty of superintendent to have forms and supplies packed and delivered to precincts; distribution by registrars of copy of certified electors list to managers in each precinct; contents of list; authentication of lists; return receipts for delivered lists; master list of county electors.**

(a) The cards of instruction, return sheets, tally sheets, oaths of poll officers, affidavits, and other forms and supplies required for use in each precinct, and, in precincts in which ballots are used, the official ballots prepared for use therein shall be packed by the superintendent in separate sealed packages for each precinct, marked on the outside so as to designate clearly the precincts for which they are intended and, in the case of precincts in which ballots are used, the number of ballots enclosed. They shall then be delivered by the superintendent, together with the ballot box which shall bear the designation of the precinct, to the managers in the several precincts prior to the hour appointed for opening the polls. In primaries, the parties shall decide whether to use the same ballot box or to use separate ballot boxes. The managers of the respective precincts shall, on delivery to them of such packages, return receipts therefor to the superintendent, who shall keep a record of the time when and the manner in which the several packages are delivered. The superintendent may, in his discretion, require the managers of the respective precincts to call at his office to obtain such packages.

(b) The registrars shall, prior to the hour appointed for opening the polls, place in the possession of the managers in each precinct one copy of the certified electors list for such precinct, such list to contain all the information required by law. The list shall indicate the name of any elector who has been mailed or delivered an absentee ballot. The list for a given precinct may be divided into as many alphabetical sections as is deemed necessary. Such list of electors shall be authenticated by the signatures of at least two of the registrars. The managers of the respective precincts shall, on delivery to them of such electors lists, return receipts therefor to the registrars, who shall keep a record of the time

when and the manner in which the electors lists are delivered. The registrars may, in their discretion, require the managers of the respective precincts to call at their office to obtain such lists.

(c) The registrars may, in their discretion, place a master list containing the names and proper voting precincts of all electors of the county at some or all of the polling places located in the county on the day of each election for use by the poll workers to assist electors in locating their proper precinct. (Ga. L. 1894, p. 115, § 9; Civil Code 1895, § 59; Civil Code 1910, § 67; Ga. L. 1922, p. 97, § 5; Code 1933, §§ 34-701, 34-1906; Ga. L. 1946, p. 75, §§ 2, 3; Ga. L. 1949, p. 1204, § 38; Ga. L. 1958, p. 269, § 32; Code 1933, § 34-1303, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 308, §§ 1, 2; Ga. L. 1970, p. 347, § 22; Ga. L. 1982, p. 1512, § 5; Ga. L. 1987, p. 417, § 7.)

**21-2-402. Preparation and furnishing of voter's certificates by Secretary of State; form of certificates; binders for certificates.**

(a) At each primary and election, the Secretary of State shall prepare and furnish to each county a suitable number of voter's certificates which shall be in substantially the following form:

**VOTER'S CERTIFICATE**

I hereby certify that I am qualified to vote at the (Primary or Election) held on \_\_\_\_\_, 19\_\_\_\_, and that I have not and will not vote elsewhere in this (Primary or Election) in my own name or in any other name. I understand that making a false statement on this Certificate is a felony under Code Section 21-2-562.

Signature \_\_\_\_\_

Current Address of Elector: \_\_\_\_\_

Name or initials of poll officer receiving voter's certificate: \_\_\_\_\_

In case of physical disability or illiteracy, fill out the following:

I hereby certify that the voter is unable to sign his or her name by reason of the following: \_\_\_\_\_

\_\_\_\_\_  
Signature of poll officer

Number of stub of ballot or number of admission to voting machine: \_\_\_\_\_

(b) The voter's certificates shall be so prepared as to be capable of being inserted by the poll officers in a suitable binder to be furnished by the Secretary of State, in sufficient quantities for each precinct, for each primary or election. The binder shall have written thereon the words "Voter's Certificates" and shall have a space for filling in the designation of the precinct and the date of the primary or election. (Code 1933, § 34-1302, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1970, p. 347, §§ 20, 21; Ga. L. 1977, p. 313, § 1; Ga. L. 1978, p. 1004, § 23; Ga. L. 1982, p. 3, § 21; Ga. L. 1982, p. 1512, § 5; Ga. L. 1987, p. 1360, § 16.)

### **21-2-403. Time for opening and closing of polls.**

At all primaries and elections the polls shall be opened at 7:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and shall remain open continuously until 7:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, at which time they shall be closed. (Ga. L. 1865-66, p. 24, § 1; Code 1868, § 1313; Code 1873, § 1286; Code 1882, § 1286; Civil Code 1895, § 70; Ga. L. 1898, p. 93, § 1; Civil Code 1910, § 80; Code 1933, § 34-1302; Ga. L. 1941, p. 321, § 1; Ga. L. 1943, p. 480, § 1; Code 1933, § 34-1304, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

### **21-2-404. Affording employees time off to vote.**

Each employee in this state shall, upon reasonable notice to his employer, be permitted by his employer to take any necessary time off from his employment to vote in any municipal, county, state, or federal political party primary or election for which such employee is qualified and registered to vote on the day on which such primary or election is held; provided, however, that such necessary time off shall not exceed two hours; and provided, further, that, if the hours of work of such employee commence at least two hours after the opening of the polls or end at least two hours prior to the closing of the polls, then the time off for voting as provided for in this Code section shall not be available. The employer may specify the hours during which the employee may absent himself as provided in this Code section. (Ga. L. 1964, p. 253, § 1; Ga. L. 1985, p. 206, § 1; Ga. L. 1986, p. 32, § 1; Ga. L. 1987, p. 34, § 1.)

**21-2-405. Meeting of poll officers at place of primary or election; oaths of poll officers; procedure upon failure of poll officer to appear on day of primary or election; custodians of electors list, ballots, etc.; assignments upon temporary absence or disability of poll officers.**

(a) The required poll officers shall meet in the respective places appointed for holding the primary or election in each precinct at least 30 minutes before the hour for opening the polls on the day of each primary or election. Before entering upon their duties at any primary or election, all poll officers shall take and subscribe in duplicate to the oaths required by this chapter.

(b) If any chief manager shall not appear at the polling place by 7:00 A.M. on the day of any primary or election, the assistant managers shall appoint a chief manager who is qualified under this chapter. If any assistant manager shall not appear at such hour, the chief manager shall appoint an assistant manager who is qualified under this chapter. If, for any reason, any vacancy in the office of manager shall not have been filled by 7:30 A.M., the electors of the precinct, present at such time, shall elect a qualified person to fill such vacancy. If any clerk shall not appear by 7:00 A.M., the chief manager shall fill such vacancy by appointing a qualified person therefor. Any person thus appointed or elected to fill a vacancy shall take and subscribe in duplicate to the appropriate oath required by this chapter.

(c) After the poll officers of a precinct have been organized, the chief manager shall designate one of the assistant managers to have custody of the electors list. In precincts in which ballots are used, the other assistant manager shall have charge of the receipt and deposit of ballots in the ballot box, the chief manager or one of the clerks shall issue the ballots to electors after they are found entitled to vote, and the other clerk shall have custody of the voter's certificate binder and shall place the voter's certificates therein as they are received and approved. In precincts in which voting machines are used, the other assistant manager or clerk shall have custody of the voter's certificate binder and shall place the voter's certificates therein as they are received and approved, and the chief manager shall have special charge of the operation of the voting machine; provided, however, that the chief manager may make other arrangements for the division of the duties imposed by this chapter, so long as each poll officer is assigned some specific duty to perform. In all precincts, the chief manager shall assign an assistant manager or a clerk to keep a numbered list of voters, in sufficient counterparts, during the progress of the voting.

(d) Any poll officer may be assigned by the chief manager to assist another officer in the performance of his duties or to perform them for

him during his temporary absence or disability. (Orig. Code 1863, §§ 1228, 1233; Code 1868, §§ 1309, 1314; Code 1873, §§ 1282, 1287; Ga. L. 1880-81, p. 151, § 1; Code 1882, §§ 1282, 1287; Civil Code 1895, §§ 66, 71; Civil Code 1910, §§ 76, 81; Code 1933, § 34-1201; Code 1933, § 34-1308, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 308, § 5; Ga. L. 1970, p. 347, § 23; Ga. L. 1982, p. 1512, § 5; Ga. L. 1983, p. 140, § 1.)

**21-2-406. Public performance of duties by officials.**

Superintendents, poll officers, and other officials engaged in the conducting of primaries and elections held under this chapter shall perform their duties in public. (Ga. L. 1894, p. 115, § 16; Civil Code 1895, § 65; Civil Code 1910, § 75; Code 1933, § 34-1102; Code 1933, § 34-1309, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 308, § 6.)

**21-2-407. Duty of registrars to review qualifications of electors who may have been erroneously omitted from list of electors; authority to place such electors on the list.**

The registrars shall meet at their main office during each primary or election for the purpose of considering the qualification of electors whose names may have been omitted by inadvertence or mistake from the list of electors. The registrars shall be authorized to place the names of such electors on the registration list. (Ga. L. 1943, p. 353, § 3; Ga. L. 1949, p. 1204, § 52; Ga. L. 1958, p. 269, § 42; Code 1933, § 34-1305, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-408. Designation of poll watchers; authority of poll watchers to observe conduct of election; removal of poll watchers who interfere with conduct of election; reports by poll watchers of infractions, etc.; ineligibility of candidates to serve as poll watchers.**

(a) In a primary or run-off primary, each candidate entitled to have his name placed on the primary or run-off primary ballot may submit the name of one poll watcher for each precinct in which he wishes to have an observer to the chairman 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 will be given a letter signed by the party chairman and secretary containing the following information:

name of official poll watcher, address, precinct in which he shall serve, and name and date of primary or run-off primary.

(b) 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 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. Each poll watcher shall be given a letter signed by the appropriate political party or body chairman and secretary, if a party or body designates same, or by the independent candidate, if named by him. Such letter shall contain the following information: name of official poll watcher, address, precinct in which he shall serve, and date of election or run-off election.

(c) Notwithstanding any other provisions of this chapter, a poll watcher may be permitted behind the enclosed space for the purpose of observing the conduct of the election and the counting and recording of votes. Such poll watcher shall in no way interfere with the conduct of the election, and the poll manager may make reasonable regulations to avoid such interference. Without in any way limiting the authority of poll managers, poll watchers are prohibited from talking to voters, checking electors lists, or participating in any other form of campaigning while they are behind the enclosed space. If a poll watcher persists in interfering with the conduct of the election or in violating any of the provisions of this Code section after being duly warned by the poll manager or superintendent, he may be removed by such official. Any infraction or irregularities observed by poll watchers shall be reported directly to the superintendent, not to the poll manager.

(d) No person shall be appointed or be eligible to serve as a poll watcher in any primary or election in which such person is a candidate. (Code 1933, § 34-1310, enacted by Ga. L. 1969, p. 308, § 8; Ga. L. 1977, p. 1053, § 8; Ga. L. 1978, p. 1004, § 35; Ga. L. 1979, p. 955, § 6; Ga. L. 1981, p. 1718, § 5; Ga. L. 1982, p. 1512, § 5.)

**21-2-409. Assisting electors who cannot read English or who have physical disabilities.**

(a) No elector shall receive any assistance in voting at any primary or election unless he is unable to read the English language; or there is recorded upon the electors list a reference to his declaration that he has a physical disability which renders him unable to see or mark the ballot or operate the voting machine or vote recorder or to enter the voting compartment or booth without assistance, the exact nature of such disability being recorded on the list of electors, and unless the poll officers are satisfied that he still suffers from the same disability; or unless he acquired such a physical disability after the time of registration and the

poll officers are satisfied that he still suffers therefrom. Except for a blind elector, before an elector shall be permitted to receive assistance, he shall take an oath which shall be administered to him and placed in writing by a manager, giving the reason why he requires assistance. The name of each person assisting the elector shall be endorsed on the oath. An elector who declares that by reason of blindness he is unable to cast his vote as he wishes and who in the judgment of a manager is blind may receive assistance on the basis of the blind elector's declaration without the necessity of an oath. The name of each person assisting a blind elector shall be shown on the declaration.

(b) Any elector who is entitled to receive assistance in voting under this Code section shall be permitted by the managers to select (1) any elector, except a poll officer or poll watcher, who is a resident of the precinct in which the elector requiring assistance is attempting to vote; or (2) the mother, father, sister, brother, spouse, or child of the elector entitled to receive assistance, to enter the voting compartment or booth with him to assist him in voting, such assistance to be rendered inside the voting compartment or booth. No person shall assist more than ten such electors in any primary, election, or runoff.

(c) The oaths or declarations of assisted electors shall be returned by the chief manager to the superintendent, who shall cause the same to be duplicated and deliver the original oaths or declarations to the superintendent of the county and the duplicates to the board of registrars. If such physical disability was acquired after the time of registration and if it appears to be permanent, the registrars shall record the need for voting assistance on subsequent electors lists for as long as the disability shall continue. The oaths or declarations of assisted electors shall be available in the superintendent's office for public inspection. (Ga. L. 1922, p. 97, § 4; Code 1933, § 34-1905; Code 1933, § 34-1317, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1966, p. 185, § 1; Ga. L. 1968, p. 871, § 13; Ga. L. 1969, p. 285, § 4; Code 1933, § 34-1312, as redesignated by Ga. L. 1969, p. 308, § 18; Ga. L. 1981, p. 1718, § 6; Ga. L. 1982, p. 1512, § 5; Ga. L. 1983, p. 140, § 1; Ga. L. 1989, p. 911, § 1; Ga. L. 1990, p. 53, § 1.)

**21-2-409.1. Voting by electors who are 75 years of age or older or handicapped electors without having to wait in line.**

On election day between the hours of 9:30 A.M. and 4:30 P.M., each elector who is 75 years of age or older or who is handicapped and requires assistance in voting as authorized by Code Section 21-2-409, shall, upon request to a poll officer, be authorized at any primary or election to vote immediately at the next available voting compartment or booth without having to wait in line. Notice of the provisions of this

Code section shall be prominently displayed in the voting place. (Code 1981, § 21-2-409.1, enacted by Ga. L. 1989, p. 1084, § 2.)

**21-2-410. Poll officers authorized to give instructions to electors upon request.**

If any elector, before or after entering the voting booth, shall ask for instructions concerning the manner of voting, a poll officer may give him such instructions; but no person giving an elector such instructions shall in any manner request, suggest, or seek to persuade or induce any such elector to vote any particular ticket or for any particular candidate or for or against any particular question. After giving such instructions and before the elector closes the booth or votes, the poll officer shall retire and the elector shall immediately vote. (Code 1933, § 34-1311, enacted by Ga. L. 1969, p. 308, § 10.)

**21-2-411. Return of checked list of electors and voter's certificates to superintendent; disposition of list and certificates by registrars.**

The chief manager in each precinct shall return a checked list of electors, reflecting those who voted and those who received assistance in voting and the voter's certificates to the superintendent, to be deposited with the registrars. The board of registrars shall keep such voter's certificates for at least 24 months and such electors lists for at least ten years, and the same shall be available for public inspection. (Ga. L. 1894, p. 115, § 10; Civil Code 1895, § 62; Civil Code 1910, § 72; Code 1933, § 34-901; Code 1933, § 34-1330, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Code 1933, § 34-1314.1, as redesignated by Ga. L. 1969, p. 308, § 34; Ga. L. 1978, p. 1004, § 26; Ga. L. 1982, p. 1512, § 5.)

**21-2-412. Duties of superior courts on days of primaries and elections.**

At least one judge of the superior court of each judicial circuit shall be available in his circuit on the day of each primary or election from 7:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, until 10:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, and so long thereafter as it may appear that the process of such court will be necessary to secure a free, fair, and correct computation and canvass of votes cast at such primary or election. During such period the court shall issue process, if necessary, to enforce and secure compliance with the primary or election laws and shall decide such other matters pertaining to the primary or election as may be necessary to carry out the intent of this chapter. (Code 1933, § 34-1306, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-413. Requirements as to conduct of voters, campaigners, etc., at polling places generally.**

(a) No elector shall be allowed to occupy a voting compartment or voting machine booth already occupied by another except when giving assistance as permitted by this chapter.

(b) No elector shall remain in a voting compartment or voting machine booth an unreasonable length of time; and, if he shall refuse to leave after such period, he shall be removed by the poll officers.

(c) No elector except a poll officer or poll watcher shall reenter the enclosed space after he has once left it except to give assistance as provided by this chapter.

(d) No person, when within the polling place, shall electioneer or solicit votes for any political party or body or candidate or question, nor shall any written or printed matter be posted within the room, except as required by this chapter. The prohibitions contained within Code Section 21-2-414 shall be equally applicable within the polling place and no elector shall violate the provisions of Code Section 21-2-414.

(e) All persons except poll officers, poll watchers, persons in the course of voting and such persons' children under 12 years of age accompanying such persons, persons lawfully giving assistance to electors, duly authorized investigators of the State Election Board, and peace officers when necessary for the preservation of order, must remain outside the enclosed space during the progress of the voting. Notwithstanding any other provision of this chapter, any elector shall be permitted to be accompanied into the enclosed area and into a voting compartment or voting machine booth while voting by such elector's child or children under 12 years of age unless the poll manager or an assistant manager determines in his sole discretion that such child or children are causing a disturbance or are interfering with the conduct of voting. Children accompanying an elector in the enclosed space pursuant to this subsection shall not in any manner handle any ballot nor operate any function of a voting machine or vote recorder under any circumstances.

(f) When the hour for closing the polls shall arrive, all electors who have already qualified and are inside the enclosed space shall be permitted to vote; and, in addition thereto, all electors who are then in the polling place outside the enclosed space, or then in line outside the polling place, waiting to vote, shall be permitted to do so if found qualified, but no other persons shall be permitted to vote.

(g) It shall be the duty of the chief manager to secure the observances of this Code section, to keep order in the polling place, and to see that no more persons are admitted within the enclosed space than are permitted by this chapter. Further, from the time a polling place is opened until

the ballots are delivered to the superintendent, the ballots shall be in the custody of at least two poll officers at all times.

(h) No person except peace officers regularly employed by the federal, state, county, or municipal government or certified security guards shall be permitted to carry firearms within 250 feet of any polling place. (Code 1933, § 34-1319, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Code 1933, § 34-1313, as redesignated by Ga. L. 1969, p. 308, § 20; Ga. L. 1975, p. 807, § 1; Ga. L. 1978, p. 1004, § 25; Ga. L. 1978, p. 1039, § 3; Ga. L. 1985, p. 496, § 15; Ga. L. 1986, p. 32, § 1; Ga. L. 1992, p. 1815, § 5.)

**21-2-414. Restrictions on campaign activities and public opinion polling within the vicinity of a polling place; penalty.**

(a) 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 on any primary or election day:

(1) Within the boundary of the property upon which such polling place is located, within 50 feet of any polling place, or within 50 feet of the outer edge of any building within which such polling place is established, whichever distance is less;

(2) Within any polling place; or

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

(b) No person shall solicit signatures for any petition on any primary or election day:

(1) Within the boundary of the property upon which such polling place is located, within 50 feet of any polling place, or within 50 feet of the outer edge of any building within which such polling place is established, whichever distance is less;

(2) Within any polling place; or

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

(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 in which absentee ballots are being cast on any day.

(d) No person shall solicit signatures for any petition within a room in which absentee ballots are being cast on any day.

(e) This Code section shall not be construed to prohibit a poll officer from distributing materials, as required by law, which are necessary for the purpose of instructing electors or from distributing materials prepared by the Secretary of State which are designed solely for the purpose of encouraging voter participation in the election being conducted.

(f) Any person who violates this Code section shall be guilty of a misdemeanor.

(g) This Code section shall not apply to conduct occurring at or upon any privately owned residence, privately owned business, or privately owned building which is not being used as a polling place. (Ga. L. 1956, p. 333, § 1; Ga. L. 1961, p. 557, § 1; Code 1933, §§ 34-1307, 34-1938, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 308, § 3; Ga. L. 1977, p. 174, § 1; Ga. L. 1978, p. 1039, § 1; Ga. L. 1984, p. 674, § 1; Ga. L. 1985, p. 632, § 5; Ga. L. 1986, p. 32, § 1; Ga. L. 1986, p. 382, § 4; Ga. L. 1988, p. 647, § 3; Ga. L. 1989, p. 1084, § 3.)

**21-2-415. Requirements as to identification of literature which is distributed, circulated, disseminated, or published in connection with campaign for public office; unauthorized use of another's name for purposes of endorsing, circulating, or publishing campaign material; penalty.**

(a) No person shall distribute, circulate, disseminate, or publish or cause to be distributed, circulated, disseminated, or published any literature in connection with any political campaign for any public office or question unless such literature shall bear the name and address of the person or organization distributing, circulating, disseminating, publishing, or causing the same to be distributed, circulated, disseminated, or published. To be in compliance with this subsection when an organization rather than a natural person commits any of the acts enumerated in this subsection, the names and addresses of at least three of the highest officials thereof shall also appear thereon. No candidate whose campaign is the subject of any campaign literature shall contribute funds to defray the cost or a portion of the cost of the printing, publishing, distribution, circulation, or dissemination of such literature unless the literature clearly states that the cost or a portion thereof has been paid for by the candidate. Campaign literature published and disseminated by the candidate himself, bearing his name and the office for which he is a candidate, shall be considered as in compliance with this subsection.

(b) No person shall use the name or any colorable imitation of the name of an existing person or organization for the purposes of endorsing, circulating, or publishing campaign material without the authorization of such person or organization. As used in this subsection, the term "any colorable imitation" means any name purposefully used with the

intention of the user that a person reading such name will be misled into believing that such campaign material is being endorsed, circulated, or published by a person or organization other than the true endorser, circulator, or publisher.

(c) Any person who violates this Code section shall be guilty of a misdemeanor. (Code 1933, § 34-1307A, enacted by Ga. L. 1968, p. 828, § 1; Ga. L. 1978, p. 1039, § 2; Ga. L. 1985, p. 1328, § 1; Ga. L. 1986, p. 32, § 1.)

**21-2-416. Methods of casting ballots in elections utilizing paper ballots or vote recorders.**

Notwithstanding any other provisions of this chapter to the contrary, an elector voting by paper ballots or by vote recorder may cast his vote in elections in any one of the following ways and his vote shall be counted as provided in this Code section:

(1) He may vote for each candidate individually as provided in this chapter;

(2) He may vote a straight political party or body ticket as provided in this chapter; or

(3) He may vote a "modified straight party ticket" by casting in combination a straight party vote, in the manner provided in paragraph (2) of this Code section, and a vote or votes for individual candidates, in the manner provided in paragraph (1) of this Code section, which shall constitute a valid vote for every candidate of the political party or body designated, except candidates for the offices of presidential electors and those offices as to which he has indicated a choice for individuals other than the straight party nominees, which choice shall be valid only as votes for such individuals so designated. (Code 1933, § 34-1333, enacted by Ga. L. 1968, p. 850, § 1; Code 1933, § 34-1314.2, as redesignated by Ga. L. 1969, p. 308, § 37.)

PART 2

PRECINCTS USING PAPER BALLOTS

**21-2-430. Opening of ballot boxes; destruction of ballots and other papers not intended for use in primary or election; locking of ballot box; public breaking of seals of packages furnished by superintendent; posting and distribution of instruction cards and notices of penalties.**

In precincts in which ballots are used, the poll officers shall, after taking the oath, publicly open the ballot boxes which have been fur-

nished 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 shall be immediately posted in or about the voting room outside the enclosed space; and such cards of instruction and notices of penalties shall be given to any elector at his request so long as there are any on hand. (Code 1933, § 34-1315, enacted by Ga. L. 1969, p. 308, § 15; Ga. L. 1983, p. 140, § 1.)

**21-2-431. Execution of voter's certificate; procedure upon qualification of elector; procedure as to elector unable to sign name; voting outside precinct of residence; registration as prerequisite to voting.**

(a) At every primary and election, each elector who desires to vote shall first execute a voter's certificate and hand the same to the poll officer in charge of the electors list. When an elector has been found entitled to vote, the poll officer who examined his voter's certificate shall sign his name or initials on the voter's certificate and shall, if the voter's signature is not readily legible, print such voter's name under his signature. As each elector is found to be qualified and votes, the poll officers shall check off the elector's name on the electors list and shall enter the number of the stub of the ballot issued to him, or his number in the order of admission to the voting machines, on the voter's certificate of such elector. As each elector votes, his name in the order of voting shall be recorded in the numbered list of voters provided for that purpose.

(b) If any elector was unable to sign his name at the time of registration or if, having been able to sign his name when registered, he subsequently shall have become, through physical disability, unable to sign his name when he applies to vote, he shall establish his identity to the satisfaction of the poll officers; and in such case he shall not be required to sign a voter's certificate, but a certificate shall be prepared for him by a poll officer, upon which the facts as to such disability shall be noted and attested by the signature of such poll officer.

(c) Except as provided in Code Sections 21-2-238, 21-2-240, and 21-2-386, no person shall vote at any primary or election at any polling place outside the precinct in which he resides, nor shall he vote in the precinct in which he resides unless he has been registered as an elector and his name appears on the electors list of such precinct. (Ga. L. 1894,

p. 115, § 2; Civil Code 1895, § 40; Civil Code 1910, § 40; Code 1933, § 34-110; Code 1933, § 34-1316, enacted by Ga. L. 1969, p. 308, § 17; Ga. L. 1979, p. 962, § 2; Ga. L. 1982, p. 1512, § 5.)

**21-2-432. Voter's certificate binder as constituting official list of electors; separate preservation and disposition of refused applications.**

After each elector has been admitted to vote, his voter's certificate shall be inserted in the binder provided therefor by the registrars, and known as the "voter's certificate binder," and such voter's certificates so bound shall constitute the official list of electors voting at such primary or election. All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the poll officers shall be separately preserved and returned to the superintendent with the other papers. (Ga. L. 1941, p. 429, § 1; Code 1933, § 34-1311, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Code 1933, § 34-1317, as redesignated by Ga. L. 1969, p. 308, § 9.)

**21-2-433. Admission of electors to enclosed space; detachment of ballots from stubs and distribution of ballots to electors; return of canceled ballots to superintendent.**

(a) No elector shall enter the enclosed space behind the guardrail provided for in subsection (a) of Code Section 21-2-267 until he is found entitled to vote.

(b) As soon as an elector has been admitted within the enclosed space, the poll officer having charge of the ballots in precincts in which ballots are used shall detach a ballot from the stub and give it to the elector, first folding it so that the words and figures printed on the face shall not be visible, and no ballots shall be deposited in the ballot box unless folded in the same manner. If an elector's right to vote has been challenged for cause under subsection (c) of Code Section 21-2-237, the poll officer shall write the word "Challenged" and the alleged cause of challenge on the back of the ballot. Not more than one ballot shall be detached from its stub in any book of ballots at any one time. Not more than one ballot shall be given to an elector; but, if an elector inadvertently spoils a ballot, he may obtain another upon returning the spoiled one. The ballots thus returned shall be immediately canceled and at the close of the polls shall be enclosed in an envelope, which shall be sealed and returned to the superintendent. (Ga. L. 1922, p. 97, § 4; Code 1933, § 34-1905; Ga. L. 1943, p. 290, § 1; Code 1933, § 34-1313, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Code 1933, § 34-1318, as redesignated by Ga. L. 1969, p. 308, § 12; Ga. L. 1983, p. 140, § 1.)

**21-2-434. Restrictions as to removal of ballots from book or polling place; deposit of official ballots in box; disposition of unofficial ballots.**

No official ballot shall be taken or detached from its stub in any book of ballots, except by a poll officer when a person desiring to vote has been found to be an elector entitled to vote. Not more than one ballot shall be removed at any one time or given to an elector, except in the case of a spoiled ballot as provided by this article. No person other than the poll officers shall take or remove any ballot from the polling place. Only official ballots shall be deposited in the ballot box and counted, except as otherwise provided in this article. If any ballot appears to have been obtained otherwise than from the superintendent as provided by this article, the same shall not be counted; and the chief manager shall transmit such ballot to the district attorney without delay, together with whatever information he may have regarding the same. (Code 1933, § 34-1318, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Code 1933, § 34-1320, as redesignated by Ga. L. 1969, p. 308, § 19.)

**21-2-435. Procedure as to marking and depositing of ballots.**

(a) In precincts in which ballots are used, the elector, after receiving his ballot, shall retire to one of the voting compartments and draw the curtain or shut the screen or door and shall then prepare his ballot; provided, however, that an elector may, before entering the voting booth, ask for instructions concerning the manner of voting, and a poll officer shall give him such instructions; but no person giving an elector such instructions shall in any manner request, suggest, or seek to persuade or induce any such elector to vote any particular ticket or for any particular candidate or for or against any particular question. After giving such instructions and before the elector closes the booth or votes, the poll officer shall retire and the elector shall forthwith vote.

(b) At primaries, the elector shall prepare his ballot in the following manner: He shall vote for the candidates of his choice for nomination or election, according to the number of persons to be voted for by him, for each office, by making a cross (X) or check (✓) mark in the square opposite the name of each candidate. No elector shall be permitted to cast a write-in ballot in a primary. A ballot upon which a voter has marked out or struck through the name of a candidate for whom the voter does not intend to cast his vote may be counted if the ballot clearly indicates that candidate for whom the voter desired to cast his vote.

(c) At elections, the elector shall prepare his ballot in the following manner:

(1) He may vote for the candidates of his choice for each office to be filled according to the number of persons to be voted for by him for

each office, by making a cross (X) or check (✓) mark in the square opposite the name of the candidate;

(2) He may write, in the blank space provided therefor, any name not already printed on the ballot, and such insertion shall count as a vote without the marking of a cross (X) or check (✓) mark;

(3) If he desires to vote for every candidate of a political party or body (except its candidates for the offices of presidential electors), he may make a cross (X) or check (✓) mark in the square opposite the name of the party or body of his choice in the party or body column on the left of the ballot, and every such cross (X) or check (✓) mark shall be equivalent to and be counted as a vote for every candidate of a party or body so marked, except its candidates for the offices of presidential electors;

(4) If he desires to vote for the presidential electors nominated by any party or body, he may make a cross (X) or check (✓) mark in the appropriate square at the left of the names of the candidates for President and Vice President of such party or body;

(5) In case of a question submitted to the vote of the electors, he may make a cross (X) or check (✓) mark in the appropriate square opposite the answer which he desires to give.

(d) Before leaving the voting compartment, the elector shall fold his ballot, without displaying the markings thereon, in the same way it was folded when received by him; and he shall then leave the compartment and exhibit the number strip of the ballot to a poll officer who shall ascertain by an inspection of the number appearing thereon whether the ballot so exhibited to him is the same ballot which the elector received before entering the voting compartment. If it is the same, the poll officer shall direct the elector, without unfolding the ballot, to remove the perforated portion containing the number, and the elector shall immediately deposit the ballot in the ballot box. The number strip shall be deposited in the stub box provided for such purpose and the number strips shall be retained with the ballots and other stubs. If the ballot is marked "Challenged," the numbered perforated portion shall not be removed and the ballot shall be deposited with it attached. Any ballot, other than one marked "Challenged," deposited in a ballot box at any primary or election without having such number removed shall be void and shall not be counted. (Ga. L. 1941, p. 324, § 2; Code 1933, § 34-1314, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 851, § 7; Ga. L. 1968, p. 871, § 12; Code 1933, § 34-1319, as redesignated by Ga. L. 1969, p. 308, § 13; Ga. L. 1983, p. 140, § 1; Ga. L. 1984, p. 133, § 1.)

**21-2-436. Duties of poll officers after the close of the polls.**

After the polls are closed and the last elector has voted in precincts in which ballots are used, at least two poll officers shall remain within the enclosed space. Before the ballot box is opened, the number of ballots issued to electors, as shown by the stubs, and the number of ballots, if any, spoiled and returned by electors and canceled, shall be announced to all present in the voting room and entered upon the general returns of votes cast at such primary or election. The poll officer shall then compare the number of electors voting as shown by the stubs with the number of names shown as voting by the electors list, voter's certificate, and the numbered list of voters, and shall announce the result, and shall enter on the general returns the number of electors who have voted, as shown by the voter's certificates. If any differences exist, they shall be reconciled, if possible; otherwise, they shall be noted on the general returns. The electors list, the voter's certificates, the numbered list of voters, and the stubs of all ballots used, together with all unused ballots, all spoiled and canceled ballots, and all rejected voter's certificates shall then be placed in separate packages, containers, or envelopes and sealed before the ballot box is opened. (Code 1933, § 34-1320, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Code 1933, § 34-1321, as redesignated by Ga. L. 1969, p. 308, § 21; Ga. L. 1978, p. 1004, § 27; Ga. L. 1983, p. 140, § 1; Ga. L. 1984, p. 133, § 1.)

**21-2-437. Procedure as to count and return of votes generally.**

(a) After the polls close at 7:00 P.M. and as soon as all the ballots have been properly accounted for and those outside the ballot box as well as the voter's certificates, numbered list of voters, and electors list have been sealed, the poll officers shall open the ballot box and take therefrom all ballots contained therein. In primaries in which more than one ballot box is used, any ballots or stubs belonging to another party holding its primary in the same polling place shall be returned to the ballot box for the party for which they were issued. In primaries, separate tally and return sheets shall be prepared for each party, and separate poll officers shall be designated by the chief manager to count and tally each party's ballot. Where the same ballot box is being used by one or more parties, the ballots and stubs shall first be divided by party before being tallied and counted. The ballots shall then be counted one by one and a record made of the total number. Then the chief manager, together with such assistant managers and other poll officers as the chief manager may designate, under the scrutiny of one of the assistant managers and in the presence of the other poll officers, shall read aloud the names of the candidates marked or written upon each ballot, together with the office for which the person named is a candidate, and the answers contained on the ballots to the questions submitted, if any; and the other assistant

manager and clerks shall carefully enter each vote as read and keep account of the same in ink on a sufficient number of tally papers, all of which shall be made at the same time. All ballots, after being removed from the box, shall be kept within the unobstructed view of all persons in the voting room until replaced in the box. No person, while handling the ballots, shall have in his hand any pencil, pen, stamp, or other means of marking or spoiling any ballot. The poll officers shall immediately proceed to canvass and compute the votes cast and shall not adjourn or postpone the canvass or computation until it shall have been fully completed, except that, in the discretion of the superintendent, the poll officers may stop the counting after all contested races and questions are counted, provided that the results of these contested races and questions are posted for the information of the public outside the polling place and the ballots are returned to the ballot box and deposited with the superintendent until counting is resumed on the following day.

(b) When the vote cast for the different persons named upon the ballots and upon the questions, if any, appearing thereon, shall have been fully recorded in the tally papers and counted, the poll officers shall duly certify to the number of votes cast for each person and question and shall prepare in ink a sufficient number of general returns. The general returns shall show, in addition to the entries made thereon as aforesaid, the total number of ballots received from the superintendent, the number of ballots cast, the number of ballots declared void, the number of ballots spoiled and canceled, and any blank ballots cast, as well as the votes cast for each candidate. At elections, the number of votes cast for each candidate by each political party or body of which such candidate is a nominee shall be separately stated.

(c) In returning any votes cast for any person whose name is not printed on the ballot, the poll officers shall record any such names exactly as they were written on the ballot. (Orig. Code 1863, § 1234; Code 1868, § 1315; Code 1873, § 1288; Code 1882, § 1288; Civil Code 1895, § 72; Civil Code 1910, § 82; Code 1933, § 34-1303; Code 1933, § 34-1321, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1965, p. 656, § 1; Code 1933, § 34-1322, as redesignated by Ga. L. 1969, p. 308, § 22; Ga. L. 1970, p. 347, § 24.)

**21-2-438. Ballots identifying voter, not marked, or improperly marked declared void.**

(a) Any ballot marked so as to identify the voter shall be void and not counted, except a ballot cast by a challenged elector whose name appears on the electors list; such challenged vote shall be counted as prima facie valid but may be voided in the event of an election contest. Any ballot marked by anything but pen or pencil shall be void and not counted. Any erasure, mutilation, or defect in the vote for any candidate shall

render void the vote for such candidate but shall not invalidate the votes cast on the remainder of the ballot, if otherwise properly marked. If an elector shall mark his ballot for more persons for any nomination or office than there are candidates to be voted for such nomination or office, or if, for any reason, it may be impossible to determine his choice for any nomination or office, his ballot shall not be counted for such nomination or office; but the ballot shall be counted for all nominations or offices for which it is properly marked. Ballots not marked or improperly or defectively marked so that the whole ballot is void, shall be set aside and shall be preserved with the other ballots. In primaries, votes cast for candidates who have died, withdrawn, or been disqualified shall be void and shall not be counted. In elections, votes for candidates who have died or been disqualified shall be void and shall not be counted.

(b) At elections, any ballot marked by any other mark than a cross (X) or check (✓) mark in the spaces provided for that purpose shall be void and not counted; provided, however, that no vote recorded thereon shall be declared void because a cross (X) or check (✓) mark thereon is irregular in form. A cross (X) or check (✓) mark in the square opposite the name of a political party or body in the party or body column shall be counted as a vote for every candidate of that party or body so marked, with the exception of candidates for the offices of presidential electors. A cross (X) or check (✓) mark in the square opposite the names of the nominees of a political party or body for the offices of President and Vice-President shall be counted as a vote for every candidate of that party or body for the offices of presidential electors. Any erasure, mutilation, or defective marking of the straight party or body column at general elections shall render the entire ballot void, unless the elector has properly indicated his choice for candidates in any other column, in which case the vote or votes for such candidates only shall be counted. Any ballot indicating a write-in for any person whose name is not printed on the ballot and who properly gave notice of intent to run as a write-in candidate pursuant to Code Section 21-2-133 shall be counted as a vote for such person, if written in the proper space or spaces provided for that purpose, whether or not a cross (X) or check (✓) mark is placed before the name of such person.

(c) Notwithstanding any other provisions of this chapter to the contrary, if the elector has marked his ballot in such a manner that he has indicated clearly and without question the candidate for whom he desires to cast his vote, his ballot shall be counted and such candidate shall receive his vote, notwithstanding the fact that the elector in indicating his choice may have marked his ballot in a manner other than as prescribed by this chapter. (Ga. L. 1952, p. 304, § 1; Code 1933, §§ 34-1322, 34-1322.1, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 871, §§ 9, 10; Code 1933, §§ 34-1323, 34-1324, as redesignated by Ga.

L. 1969, p. 308, §§ 9, 24; Ga. L. 1987, p. 417, § 8; Ga. L. 1987, p. 1360, § 17.)

**21-2-439. Decisions concerning questionable marks or defaced or mutilated ballots.**

Decisions concerning questionable marks on ballots or defacing or mutilation of ballots and the count to be recorded thereon shall be made by the assistant managers; and, if they disagree, the chief manager shall make the decision. (Code 1933, § 34-1323, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Code 1933, § 34-1325, as redesignated by Ga. L. 1969, p. 308, § 25.)

**21-2-440. Duty of poll officers to sign general returns; posting of copy of returns; delivery of copy of returns, ballots, tally papers, etc., to superintendent.**

(a) Immediately after the vote has been counted in precincts in which paper ballots are used, all of the general returns shall be signed by the poll officers. If any poll officer shall refuse to sign or certify the general returns, he shall write his reasons therefor upon the general return sheets. One of such returns shall be immediately posted for the information of the public outside the polling place or place of tabulation, one of such returns shall be returned sealed to the superintendent in an envelope prepared for the Secretary of State, and one shall be entrusted to the chief manager for delivery to the superintendent with the package of unused ballots and other election supplies in an envelope provided for that purpose. The poll officer shall then replace all the ballots cast, so counted and canvassed, in the ballot boxes, including those declared void, spoiled, and canceled, together with the voter's certificates, one set of the tally papers, one general return sheet, one numbered list of voters, sealed as provided in this subsection, and one oath of each poll officer, and lock and seal each ballot box so that nothing can be inserted therein until it is opened again; and the chief manager and an assistant manager shall immediately deliver the ballot boxes to the custody of the superintendent. The superintendent shall not compute any returns from any precinct until the ballot boxes therefor, as well as the package of unused ballots and other election supplies therefrom, are so delivered.

(b) The tally papers, affidavits of voters and others, including oaths of poll officers, and one general return sheet shall be placed in separate envelopes to be provided for that purpose and sealed as soon as the count is finally completed. All of such envelopes and one numbered list of voters, previously sealed as provided in subsection (a) of this Code section, shall be entrusted to the chief manager to be delivered immediately to the superintendent.

(c) Immediately upon completion of the count and tabulation of the votes cast, the electors list shall be sealed and returned by the chief manager to the superintendent, who shall transmit it to the registrars. (Orig. Code 1863, § 1234; Code 1868, § 1315; Code 1873, § 1288; Code 1882, § 1288; Civil Code 1895, § 72; Civil Code 1910, § 82; Code 1933, § 34-1303; Code 1933, § 34-1324, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Code 1933, § 34-1326, as redesignated by Ga. L. 1969, p. 308, § 26; Ga. L. 1970, p. 347, § 25; Ga. L. 1978, p. 1004, § 28; Ga. L. 1982, p. 1512, § 5; Ga. L. 1986, p. 32, § 1; Ga. L. 1987, p. 34, § 1.)

### PART 3

#### PRECINCTS USING VOTING MACHINES

##### **21-2-450. Procedure as to opening of polls, posting cards of instruction, examination of voting machines, etc.**

(a) 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, 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 shall be given to any elector at his request, so long as there are any on hand. 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 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, 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 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 to the superintendent, as provided in this part.

(b) If the ballot labels containing the names of officers, political parties and bodies, candidates, and questions shall not be in their proper places on the voting machine, the poll officers shall immediately notify the proper custodian of voting machines or the superintendent, and the machine shall not be used until the custodian or some other person authorized by the superintendent shall have supplied ballot labels as provided in this subsection. If the ballot labels for a voting machine shall not be delivered at the time required or, if after delivery, they shall be lost, destroyed, or stolen, the superintendent or custodian shall cause other ballot labels to be prepared, printed, or written, as nearly in the form of the official ballot labels as practicable, and shall cause such ballot labels to be used in the same manner, as nearly as may be, as the official ballot labels would have been used.

(c) The managers shall sign a certificate showing:

- (1) The identifying number or other designation of the voting machine;
- (2) The delivery of the keys in a sealed envelope;
- (3) The number on the seal upon the machine;
- (4) The number registered on the protective counter or device;
- (5) That all the counters were set at zero; and
- (6) That the ballot labels are properly placed in the machine,

which certificate shall be returned by the chief manager to the superintendent with the other certificates, as provided in this part.

(d) The machine shall remain locked against voting until the polls are opened and shall not be operated except by electors in voting. If any counter is found not to register zero, the poll officers shall immediately notify the custodian or the superintendent, who shall, if practicable,

adjust or cause the counters to be adjusted at zero; but, if it shall be found impracticable for the custodian or other person authorized by the superintendent to arrive in time so as to adjust such counters before the time set for opening the polls, the poll officers shall immediately make a written record of the designation or designating letter or number of such counter, together with the number registered thereon (called the initial number below) and shall sign and post the same upon the wall of the polling place, where it shall remain until the polls are closed; provided, however, that if the voting machine used is equipped with a mechanism for printing paper proof sheets, in any case where any counter is shown by such proof sheet not to register zero, if it shall be found impracticable to have such counter adjusted before the time set for opening the polls, the poll officer shall sign such printed proof sheet and post the same upon the wall of the polling place where it shall remain until the polls are closed; and, in filling out the returns of the election, if the final number of such counter is greater than the initial number, the poll officers shall subtract the initial number from the final number and enter the difference on the returns as the vote for the candidate or on the question represented by such counter; if the final number of such counter is less than the initial number, the poll officers shall add 1,000 to the final number, shall subtract the initial number from the sum so ascertained, and shall enter upon the returns as the vote for the candidate or on the question represented by such counter the final plus 1,000 less the initial number.

(e) The exterior of the voting machine and every part of the polling place shall be in plain view of the poll officers. The voting machine shall be located at the polling place, at least six feet back of the guardrail or barrier, in such a position that, unless its construction shall require otherwise, the ballot labels on the face of the machine can be seen plainly by the poll officers when the machine is not occupied by an elector.

(f) The poll officers shall not themselves be, nor allow any other person to be, in any position that will permit anyone to see or ascertain how an elector votes or how he has voted. A poll officer shall inspect the face of the machine at least once every hour during the time when the polls are open to see that the ballot labels are in their proper places and that the machine has not been damaged or tampered with.

(g) If during the primary or election a voting machine becomes inoperative in such manner that it cannot be readily repaired without exposing the count on the candidate counters, the poll officer shall immediately lock and seal the operating lever or mechanism of the machine so that the voting and counting mechanism will be prevented from operation. Upon the close of the polls, the poll officers shall perform their duties set forth in Code Sections 21-2-454 through 21-2-457 with respect to such machine. If necessary, because of the lack of another machine or

other machines for use by the electors, after a voting machine becomes inoperative, paper ballots shall be used. (Code 1933, § 34-1327, enacted by Ga. L. 1969, p. 308, § 30; Ga. L. 1977, p. 1053, § 9; Ga. L. 1978, p. 1004, § 29; Ga. L. 1983, p. 140, § 1; Ga. L. 1986, p. 32, § 1; Ga. L. 1987, p. 34, § 1.)

**21-2-451. Execution of voter's certificate; procedure upon qualification of elector; procedure as to elector unable to sign name; voting outside of precinct of residence; registration as prerequisite to voting.**

(a) At every primary and election, each elector who desires to vote shall first execute a voter's certificate and hand the same to the poll officer in charge of the electors list. When an elector has been found entitled to vote, the poll officer who examined his voter's certificate shall sign his name or initials on the voter's certificate and shall, if the voter's signature is not readily legible, print such voter's name under his signature. As each elector is found to be qualified and votes, the poll officers shall check off the elector's name on the electors list and shall enter the number of the stub of the ballot issued to him, or his number in the order of admission to the voting machines, on the voter's certificate of such elector. As each elector votes, his name in the order of voting shall be recorded in the numbered list of voters provided for that purpose.

(b) If any elector was unable to sign his name at the time of registration or, if having been able to sign his name when registered, he subsequently shall have become, through physical disability, unable to sign his name when he applies to vote, he shall establish his identity to the satisfaction of the poll officers; and in such case he shall not be required to sign a voter's certificate, but a certificate shall be prepared for him by a poll officer, upon which the facts as to such disability shall be noted and attested by the signature of such poll officer.

(c) Except as provided in Code Sections 21-2-238 and 21-2-386, no person shall vote at any primary or election at any polling place outside the precinct in which he resides, nor shall he vote in the precinct in which he resides unless he has been registered as an elector and his name appears on the electors list of such precinct. (Code 1933, § 34-1310, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Code 1933, § 34-1328, as redesignated by Ga. L. 1969, p. 308, § 7; Ga. L. 1982, p. 1512, § 5.)

**21-2-452. Admission of electors to enclosed space; voting procedure generally; procedure as to write-in votes; voting by electors whose right to vote is challenged; paper ballots for handi-capped voters.**

(a) No elector shall enter the enclosed space behind the guardrail provided for in subsection (a) of Code Section 21-2-267 until he is found entitled to vote, after which he shall be admitted to the voting machine booth as soon as it is vacant and shall be permitted to vote.

(b) At primaries, before an elector is admitted to the voting machine, it shall be adjusted by the poll officer in charge thereof so that such elector will only be able to vote for the candidates of the party in whose primary he is then participating.

(c) At primaries, he shall vote for each candidate individually by operating the key, handle, pointer, or knob upon or adjacent to which the name of such candidate is placed. At elections, he may vote for each candidate individually by operating the key, handle, pointer, or knob upon or adjacent to which the names of candidates of his choice are placed or he may vote a straight political party or body ticket (with the exception of candidates for the offices of presidential electors) in one operation by operating the straight political party or body lever of the political party or body of his choice. He may also, after having operated the straight party or body lever and before recording his vote, cancel the vote for any candidate of such political party or body by replacing the individual key, handle, pointer, or knob of such candidate and may thereupon vote for a candidate of another party or body for the same office by operating the key, handle, pointer, or knob upon or adjacent to which the name of such candidate appears. In the case of a question submitted to the vote of the electors, the elector shall operate the key, handle, pointer, or knob corresponding to the answer which he desires to give.

(d) An elector may, at any election, vote for any person for any office, for which office his name does not appear upon the voting machine as a candidate, by a write-in ballot containing the name of such person, such ballot to be deposited, written, or affixed (but not by the use of a sticker or paster) in or upon the appropriate receptacle or device provided in or on the machine for that purpose, and in no other manner. Where two or more persons are to be elected to the same office and the names of such candidates are placed upon or adjacent to a single key, handle, pointer, or knob, and the voting machine requires that all write-in ballots voted for that office be deposited, written, or affixed in or upon a single receptacle or device, an elector may vote in or by such receptacle or device for one or more persons whose names do not appear upon the machine, with or without the name of one or more persons whose names

do so appear. With these exceptions, no write-in ballot shall be cast on a voting machine for any person for any office if the person's name appears on the machine as a candidate for that office, and any ballot so cast shall be void and not counted.

(e) At any general election at which presidential electors are to be chosen, each elector shall be permitted to vote by one operation for all the presidential electors of a political party or body. For each party or body nominating presidential electors, a ballot label shall be provided containing only the words "Presidential Electors," preceded by the name of the party or body and followed by the names of the candidates thereof for the office of President and Vice President, and the corresponding counter or registering device shall register votes cast for such presidential electors when thus voted for collectively. If an elector desires to vote a ticket for presidential electors made up of the names of persons nominated by different parties or bodies, or partially of names of persons so in nomination and partially of names of persons not in nomination by any party or body, or wholly of names of persons not in nomination by any party or body, he may write or deposit a paper ballot prepared by himself in the receptacle provided in or on the machine for the purpose. The machine shall be so constructed that it will not be possible for any one elector to vote a straight party or body ticket for presidential electors and at the same time to deposit a ballot for presidential electors in a receptacle as hereinabove provided. When the votes for presidential electors are counted, the votes appearing upon the counter or registering device corresponding to the ballot label containing the names of the candidates for President and Vice President of any party or body shall be counted as votes for each of the candidates for presidential elector of such party or body; and thereupon all candidates for presidential elector shall be credited, in addition, with the votes cast for them upon the ballots deposited in the machine, as provided in this Code section.

(f) As soon as the elector has adjusted the voting machine so that it will record his choice for the various candidates to be voted for and his answers to the various questions are submitted, he shall operate the recording mechanism and immediately leave the voting machine booth.

(g) If an elector's right to vote has been challenged pursuant to subsection (c) of Code Section 21-2-237, the elector shall not be permitted to vote on the voting machine but shall vote by ballot in the manner prescribed by this chapter.

(h) The superintendent shall make paper ballots available for handicapped electors who, due to their handicap, are unable to vote on a voting machine. Absentee ballots may be used for this purpose. The superintendent shall provide sufficient accommodations to permit such handicapped elector to vote in private. (Code 1933, § 34-1315, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 851, § 8; Code 1933,

§ 34-1330, as redesignated by Ga. L. 1969, p. 308, §§ 14, 14a; Ga. L. 1987, p. 1360, § 18; Ga. L. 1992, p. 56, § 1.)

**21-2-453. Voter's certificate binder as constituting official list; separate preservation and return of refused applications.**

After each elector has been admitted to vote, his voter's certificate shall be inserted in the binder provided therefor by the registrars and known as the "voter's certificate binder." Such voter's certificates so bound shall constitute the official list of electors voting at such primary or election. All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the poll officers shall be separately preserved and returned to the superintendent with the other papers. (Ga. L. 1941, p. 429, § 1; Code 1933, § 34-1329, enacted by Ga. L. 1969, p. 308, § 33.)

**21-2-454. Duties of poll officers after the close of the polls.**

(a) As soon as the polls are closed and the last elector has voted, the poll officers shall immediately lock and seal the operating lever or mechanism of the machine so that the voting and counting mechanism will be prevented from operation, and they shall then sign a certificate stating:

- (1) That the machine has been locked against voting and sealed;
- (2) The number, as shown on the public counter;
- (3) The number on the seal which they have placed upon the machine;
- (4) The number registered on the protective counter or device; and
- (5) The number or other designation of the voting machine,

which certificate shall be returned by the chief manager to the superintendent with the other certificates, as provided in this part.

(b) The poll officers shall then compare the number, as shown by the public counter of the machine, with the number of names appearing on the numbered list of voters, the electors list, and voter's certificates, which shall then be placed in separate packages, containers, or envelopes and sealed. (Code 1933, § 34-1325, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Code 1933, § 34-1331, as redesignated by Ga. L. 1969, p. 308, § 27.)

**21-2-455. Canvass and return of votes.**

(a) If the type of voting machine provided shall require the counters to be seen in order to enable the poll officers to canvass the vote, the poll officers, in the presence of all persons within the polling place, shall then make visible the registering counters and, for that purpose, shall unlock and open the doors, or other covering concealing the same, giving full view of all the counter numbers. If the voting machine is equipped with a mechanism for printing paper proof sheets the poll officers shall immediately print not less than four proof sheets and as many more as may be requested by those present, to the extent of the machine's capacity. The chief manager and an assistant manager shall then, under the scrutiny of the other assistant manager, and in the order of the offices as their titles are arranged on the machine, read from the counters or from one of the proof sheets, as the case may be, and announce, in distinct tones, the designation or designating number and letter on each counter for each candidate's name, the result as shown by the counter numbers, the votes recorded for each office for persons other than nominated candidates, and the designation or designating numbers and letters on each counter, and the results as shown by the counter numbers for and against each question voted on. The counters shall not be read consecutively along the party or body rows or columns but shall always be read along the office columns or rows, completing the canvass for each office or question before proceeding to the next.

(b) The vote as registered shall be entered by the poll officers, in ink, on duplicate return sheets and also on a general return sheet and statement, all of which, after the canvass is completed, shall be signed by the poll officers. If any poll officer shall refuse to sign or certify the general or duplicate return sheets or statement, he shall write his reasons therefor upon such sheets. The vote for presidential electors shall be computed and returned as provided in subsection (e) of Code Section 21-2-452. If more than one voting machine is used in any precinct, the vote registered on each machine shall be ascertained in like manner and separately entered in appropriate spaces on the general and duplicate return sheets and statement. The total vote cast for each candidate and for and against each question shall then be computed and entered on the general and duplicate return sheets and statement. There shall also be entered on the general return sheet and statement the number of electors who have voted, as shown by the numbered list of voters, electors list, and voter's certificates, and the number on each machine, as shown by the public counters. The number registered on the protective counter or device on each machine immediately prior to the opening of the polls and immediately after the closing thereof and sealing of the machine and the number or other designation of each machine used shall also be entered thereon. In the case of primaries, duplicate return sheets shall

be prepared as for other elections. The registering counters of the voting machine or the paper proof sheets, as the case may be, shall remain exposed to view until the said returns and all other reports have been fully completed and checked by the poll officers. During such time, any candidate or his representative who may desire to be present shall be admitted to the polling place.

(c) The proclamation of the result of the votes cast shall be announced distinctly and audibly by the chief manager, who shall read the name of each candidate, the designation or designating numbers and letters of his counters, and the vote registered on each counter, as well as the vote cast for and against each question submitted. During such proclamation, ample opportunity shall be given to any person lawfully present to compare the results so announced with the counter dials of the machine or with the paper proof sheets, as the case may be, and any necessary corrections shall then and there be made by the poll officers, after which the doors or other cover of the voting machine shall be closed and locked. Any ballots written, deposited, or affixed in or upon the voting machine shall be enclosed in properly sealed packages and properly endorsed and shall be delivered by the chief manager as provided in this part. The chief manager shall promptly deliver to the superintendent or his representative the keys of the voting machine, enclosed in a sealed envelope, if the construction of the voting machine shall permit their separate return. Such envelope shall have endorsed thereon a certificate of the poll officers stating the number of the machine, the precinct where it has been used, the number on the seal, and the number on the protective counter or device at the close of the polls.

(d) The poll officers, on the returns provided for in this Code section, shall record any votes which have been cast by means of a write-in ballot for a person whose name is not printed on the ballot labels. In returning any such votes which have been written, deposited, or affixed upon receptacles or devices provided for the purpose, the poll officers shall record any such names exactly as they were written, deposited, or affixed. (Code 1933, § 34-1326, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Code 1933, § 34-1332, as redesignated by Ga. L. 1969, p. 308, § 28; Ga. L. 1982, p. 3, § 21; Ga. L. 1982, p. 1512, § 5; Ga. L. 1986, p. 32, § 1; Ga. L. 1987, p. 34, § 1.)

**21-2-456. Form of general return sheet, duplicate return sheets, and statement; posting of statement, etc., upon ascertaining vote; delivery of duplicate return sheets, voter's certificates, etc., to superintendent; seal and return of electors list upon completion of vote count and tabulation.**

(a) The general return sheets, duplicate return sheets, and statement shall be printed to conform with the type of voting machine used and in

form approved by the Secretary of State. The designating number and letter, if any, on the counter for each candidate shall be printed thereon opposite the candidate's name. Immediately after the vote has been ascertained, the statement thereof shall be posted on the door of the polling place. Duplicate return sheets, voter's certificates, numbered list of voters, oaths of poll officers, and affidavits of voters and others shall be sealed and given to the chief manager, who shall deliver them, together with the general return sheet and the package of ballots deposited, written, or affixed in or upon the voting machine, to the superintendent. If the type of voting machine is equipped with a mechanism for printing paper proof sheets, one of such proof sheets shall be posted on the door of the polling place with such statement; one shall be returned with a precinct return sheet sealed in an envelope prepared for the Secretary of State; one shall be placed in the envelope and delivered with the general return sheet; and one shall be sealed in the envelope with the duplicate return sheets and delivered by the chief manager to the superintendent. The printed proof sheet returned with the general return sheet and the printed proof sheet returned with the duplicate return sheet shall each be part of the return of the primary or election.

(b) Immediately upon the completion of the count and tabulation of the vote cast, the electors list shall be sealed and returned immediately by the chief manager to the superintendent, who shall transmit it to the registrars. (Code 1933, § 34-1327, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Code 1933, § 34-1333, as redesignated by Ga. L. 1969, p. 308, § 29; Ga. L. 1970, p. 347, § 26; Ga. L. 1983, p. 140, § 1; Ga. L. 1987, p. 34, § 1.)

**21-2-457. Removal, storage, and examination of voting machines after completion of vote count.**

As soon as possible after the completion of the count in precincts in which voting machines are used, the superintendent shall have the voting machines removed to the place of storage provided for in this chapter. The voting machines shall remain locked against voting for the period of ten days next following each primary and election, and as much longer as may be necessary or advisable because of any existing or threatened contest over the result of the primary or election, with due regard for the date of the next following primary or election, except that they may be opened and all the data and figures therein examined under this chapter, by order of any superior court of competent jurisdiction, or by direction of any legislative committee to investigate and report upon contested primaries or elections affected by the use of such machines. Such data and such figures shall be examined by such committee in the presence of the officer having the custody of such machines. (Ga. L. 1959, p. 413, § 1; Code 1933, § 34-1332, enacted by Ga. L. 1964,

Ex. Sess., p. 26, § 1; Code 1933, § 34-1334, as redesignated by Ga. L. 1969, p. 308, § 36; Ga. L. 1983, p. 140, § 1.)

#### PART 4

##### PRECINCTS USING VOTE RECORDERS

**21-2-470. Ballot procedures in general; voting instructions; spoiled or defaced ballots; voters to exhibit ballot card number strip to poll officer; inspection of vote recorders and ballot labels; disposition of number strips; accommodations for handicapped electors.**

(a) In precincts in which vote recorders are used, the procedure for an elector to obtain a ballot card, to record his vote thereon, and to deposit his ballot card in the ballot box shall conform to the procedure prescribed in this chapter for paper ballots insofar as practicable.

(b) If an elector shall ask for instructions concerning the manner of voting, a poll officer may give him such instructions, but no person giving an elector such instructions shall in any manner request, suggest, or seek to persuade or induce any such elector to vote any particular ticket or for any particular candidate or for or against any particular question. After giving such instructions and before the elector closes the booth or votes, the poll officer shall retire and the elector shall immediately vote.

(c) If an elector spoils or defaces a ballot card or write-in ballot, he shall return it to the managers and receive another. A manager shall immediately cancel the spoiled ballot by writing the word "spoiled" across said ballot and shall place it in the container for spoiled ballots.

(d) After marking the ballot card, the elector shall then leave the compartment and exhibit his ballot card number strip to a poll officer. The elector, unless his vote is "challenged," shall remove the number strip in the presence of a poll officer before depositing the ballot card in the ballot box. If the vote is "challenged," then the ballot card with the number strip attached shall be placed in an envelope marked "challenged," provided for that purpose.

(e) The poll officers shall inspect the face of the vote recorder and the ballot labels at least once every hour during the time when the polls are open to determine that the recorder and the ballot labels have not been damaged or tampered with.

(f) The number strip shall either be deposited in the stub box or placed upon a spindle file maintained by the poll officer for such pur-

pose, and the number strips shall be retained with the ballots and other stubs.

(g) The superintendent shall have at least one voting booth in each precinct modified or shall make paper ballots available for handicapped electors who, due to their handicap, are unable to vote on a vote recorder in a regular voting booth. Absentee ballots may be used for this purpose. The superintendent shall provide sufficient accommodations to permit such a handicapped elector to vote in private. (Code 1933, § 34-1316; Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 871, § 12a; Code 1933, § 34-1335, as redesignated by Ga. L. 1969, p. 308, § 16; Ga. L. 1977, p. 1053, § 10; Ga. L. 1983, p. 140, § 1; Ga. L. 1991, p. 599, § 1.)

### **21-2-471. Counting of ballots; printing and posting of returns.**

(a) In primaries and elections in which vote recorders have been used, the ballot cards shall be counted at one or more tabulating machine centers under the direction of the superintendent. All persons who perform any duties at the tabulating machine center shall be deputized by the superintendent, and only persons so deputized shall touch any ballot card, container, paper, or machine utilized in the conduct of the count or be permitted to be inside the area designated for officers deputized to conduct the count.

(b) All proceedings at a tabulating machine center shall be open to the view of the public, but no person except one employed and designated for the purpose by the superintendent or his authorized deputy shall touch any ballot cards or ballot card container.

(c) At the tabulating machine center, the seal on each container of ballot cards shall be inspected, and it shall be certified that the seal has not been broken before the container is opened. The ballot cards and other contents of the container shall then be removed, and the ballot cards shall be prepared for processing by the tabulating machine. The ballot cards of each polling place shall be plainly identified and not commingled with the ballot cards of other polling places.

(d) Each write-in vote shall be examined to ascertain whether it is valid by checking with the vote cast on the ballot card by the same elector. If any vote cast on the write-in ballot in combination with the vote cast for the same office on the ballot card exceeds the allowed number for the office, the entire vote cast for that office shall be marked void and shall not be counted. In the discretion of the superintendent, either a duplicate ballot card shall be made on which any invalid vote shall be omitted or the write-in ballot and the ballot card shall be counted in such manner as may be prescribed by State Election Board rules, omitting the invalid vote.

(e) If it appears that a ballot card is so torn, bent, or otherwise defective that it cannot be processed by the tabulating machine, the superintendent, in his discretion, may either order that the ballot card be counted in the same manner as paper ballots are counted or order the proper election official at the tabulating center to prepare a true duplicate copy for processing with the ballot cards of the same polling place, which shall be verified in the presence of a witness. All duplicate cards shall be red in color, shall be clearly labeled by the word "duplicate," shall bear the designation of the polling place, and shall be given the same serial number as the defective card. The defective ballot card shall be attached to the duplicate and shall remain therewith at all times except for that period of time during which it is being processed by the tabulating machine.

(f) The official returns of the votes cast on ballot cards at each polling place shall be printed by the tabulating machine, to which shall be added the votes of absentee electors and write-in votes. The returns thus prepared shall be certified and promptly posted as provided by this chapter for paper ballots. The official returns for the primary or election may be printed by the tabulating machine, to which are added the tally of write-in and absentee votes, and shall be canvassed and certified as provided by this chapter. The ballot cards, write-in ballots, spoiled, defective, and invalid ballot cards, and returns shall be filed and retained in the same manner as provided by this chapter for paper ballots.

(g) The final canvass of the votes cast on vote recorders and counted by tabulating machines in a primary or election may be made by adding the results as determined by the superintendent to the results of the canvass of votes cast by absentee electors and write-in votes and making the statement of the vote in the manner provided for the particular primary or election. If paper ballots or voting machines are used in part of the county for all or a part of the primary or election, such votes shall be canvassed in the manner provided by this chapter and shall be added to the votes cast on ballot cards as provided by this chapter. (Code 1933, § 34-1338, enacted by Ga. L. 1969, p. 308, § 38; Ga. L. 1973, p. 175, § 1; Ga. L. 1989, p. 842, § 1.)

**21-2-472. Preparation, signing, and disposition of returns; disposition of voted ballot cards, unused ballot cards, records, vote recorders, and other materials.**

Upon completion of the count of write-in votes, the manager shall prepare and sign a return, in sufficient counterparts, showing:

- (1) The number of valid ballot cards, including any that are damaged;

- (2) The number of write-in ballots voted and the tally of the write-in votes;
- (3) The number of spoiled and invalid ballot cards; and
- (4) The number of unused ballot cards.

The manager shall then place one copy of the return, the voted ballot cards, defective, spoiled, and invalid ballot cards, and write-in ballots, each enclosed in an envelope, in the ballot card container, which shall be sealed and signed by the manager so that it cannot be opened without breaking the seal. The managers shall then deliver in the custody of at least two poll officers the container to the tabulating machine center or other place designated by the superintendent and shall receive a receipt therefor. The remaining copies of the returns, unused ballot cards, records, vote recorders, and other materials shall be returned in the same manner as similar materials in precincts in which voting machines and paper ballots are used. (Code 1933, § 34-1329, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Code 1933, § 34-1337, as redesignated by Ga. L. 1969, p. 308, § 33; Ga. L. 1978, p. 1004, § 30; Ga. L. 1982, p. 1512, § 5.)

#### **21-2-473. Duties of poll officers after the close of the polls.**

As soon as the polls are closed and the last elector has voted in precincts in which vote recorders are used, the poll officers shall:

- (1) Place the vote recorders under lock or seal;
- (2) Open each ballot box and count the number of ballots cast;
- (3) Examine the ballot cards and separate those ballots containing write-in votes;
- (4) Place the remaining ballot cards in the ballot container to be taken to the tabulating machine center or centers, as designated by the superintendent;
- (5) Record in ink the designation of the polling place and a serial number on all write-in ballots, starting with the number one, and place the same number on the ballot card voted by the same elector, so that write-in ballots may be identified with the corresponding ballot cards;
- (6) After the write-in ballots have been so marked, place the write-in ballots in an envelope marked "Write-in Ballots" and designate the polling place and the number of write-in ballots contained therein on such envelope, which shall be sealed and signed by the managers and placed in the ballot container with the other ballot cards;
- (7) Place any ballot card that is so torn, bent, or mutilated that it may not be counted by the tabulating machine in an envelope marked

“Defective Ballots” and place the envelope in the container with other ballot cards; and

(8) In the event that paper ballots are used in conjunction with ballot cards, conduct the counting of the paper ballots as provided by this chapter. (Code 1933, § 34-1328, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 871, § 14; Code 1933, § 34-1336, as redesignated by Ga. L. 1969, p. 308, § 31; Ga. L. 1982, p. 1512, § 5; Ga. L. 1983, p. 140, § 1; Ga. L. 1989, p. 842, § 2.)

## ARTICLE 12

### RETURNS

**21-2-490. Office of superintendent and chairman of county board of registrars to remain open during primaries and elections until all ballot boxes and returns received and all duties completed; applicability to counties having population of 550,000 or more.**

(a) Each superintendent shall cause his office to remain open during the entire duration of each primary and election, and after the close of the polls, until all the ballot boxes and returns have been received in the office of the superintendent or received in such other place as has been designated by him.

(b) The chairman of the county board of registrars shall cause his office to remain open during the entire duration of each primary and election, and after the close of the polls, until completion of the duties of said board. The provisions of this subsection shall not apply with respect to such offices in counties of this state having a population of 550,000 or more according to the United States decennial census of 1970 or any future such census. (Code 1933, § 34-1501, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 292, § 1; Ga. L. 1970, p. 347, § 28; Ga. L. 1979, p. 765, § 1; Ga. L. 1980, p. 1256, § 5; Ga. L. 1981, p. 535, § 1; Ga. L. 1982, p. 2107, § 24.)

**21-2-491. Public inspection of unsealed returns at office of superintendent; opening of sealed envelopes upon order of superintendent or court.**

The general returns from the various precincts which have been returned unsealed shall be open to public inspection at the office of the superintendent as soon as they are received from the chief managers. None of the envelopes sealed by poll officers and entrusted to the chief manager for delivery to the superintendent shall be opened by any person except by order of the superintendent or of a court of competent

jurisdiction. (Code 1933, § 34-1502, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 292, § 1; Ga. L. 1983, p. 140, § 1.)

**21-2-492. Superintendent to arrange for computation and canvassing of returns; notice of when and where returns will be computed and canvassed; procurement of blank forms for making statements of returns; swearing of individuals assisting in computation and canvassing of returns.**

The superintendent shall arrange for the computation and canvassing of the returns of votes cast at each primary and election at his office or at some other convenient public place at the county seat with accommodations for those present insofar as space permits. An interested candidate or his representative shall be permitted to keep or check his own computation of the votes cast in the several precincts as the returns from the same are read, as directed in this article. The superintendent shall give at least one week's notice prior to the primary or election by publishing same in a conspicuous place in the county courthouse, of the time and place when and where he will commence and hold his sessions for the computation and canvassing of the returns; and he shall keep copies of such notice posted in his office during such period. The superintendent shall procure a sufficient number of blank forms of returns made out in the proper manner and headed as the nature of the primary or election may require, for making out full and fair statements of all votes which shall have been cast within the county or any precinct therein, according to the returns from the several precincts thereof, for any person voted for therein, or upon any question voted upon therein. The assistants of the superintendent in the computation and canvassing of the votes shall be first sworn by the superintendent to perform their duties impartially and not to read, write, count, or certify any return or vote in a false or fraudulent manner. (Code 1933, § 34-1503, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 292, § 1; Ga. L. 1982, p. 1512, § 5; Ga. L. 1983, p. 140, § 1.)

**21-2-493. Computation, canvassing, and tabulation of returns by superintendent; investigation of discrepancies in vote counts; recount procedure; certification of returns; certification and filing of corrected returns in case of change in return due to election contest.**

(a) The superintendent shall, at or before 12:00 Noon on the day following the primary or election, at his office or at some other convenient public place at the county seat, of which due notice shall have been given as provided by Code Section 21-2-492, publicly commence the computation and canvassing of the returns and continue the same from day to day until completed. For this purpose the superintendent may

organize his assistants into sections, each of which may simultaneously proceed with the computation and canvassing of the returns from various precincts of the county in the manner provided by this Code section. Upon the completion of such computation and canvassing, the superintendent shall tabulate the figures for the entire county and sign, announce, and attest the same, as required by this Code section.

(b) The superintendent, before computing the votes cast in any precinct, shall compare the registration figure with the certificates returned by the poll officers showing the number of persons who voted in each precinct or the number of ballots cast. If, upon consideration by the superintendent of the returns and certificates before him from any precinct, it shall appear that the total vote returned for any candidate or candidates for the same office or nomination or on any question exceeds the number of electors in such precinct or exceeds the total number of persons who voted in such precinct or the total number of ballots cast therein, such excess shall be deemed a discrepancy and palpable error and shall be investigated by the superintendent; and no votes shall be recorded from such precinct until an investigation shall be had. Such excess shall authorize the summoning of the poll officers to appear immediately with any primary or election papers in their possession. The superintendent shall then examine all the registration and primary or election documents whatever, relating to such precinct, in the presence of representatives of each party, body, and interested candidate. Such examination may, if the superintendent deems it necessary, include a recount or recanvass of the votes of that precinct and a report of the facts of the case to the district attorney where such action appears to be warranted.

(c) In precincts in which paper ballots or vote recorders have been used, the superintendent may require the production of the ballot box and the recount of the ballots contained in such ballot box, either generally or respecting the particular office, nomination, or question as to which the excess exists, in the discretion of the superintendent, and may require the correction of the returns in accordance with the result of such recount. If the ballot box is found to contain more ballots than there are electors registered in such precinct, or more ballots than the number of voters who voted in such precinct at such primary or election, the superintendent may, in his discretion, exclude the poll of that precinct, either as to all offices, candidates, questions, or parties and bodies, or as to any particular offices, candidates, questions, or parties and bodies, as to which such excess exists.

(d) In precincts in which voting machines have been used, the superintendent may require a recanvass of the votes recorded on the machines used in the precinct, as provided in Code Section 21-2-495.

(e) In precincts in which paper ballots or vote recorders have been used, the general returns made by the poll officers from the various precincts shall be read one after another in the usual order, slowly and audibly, by one of the assistants who shall, in each case of a return from a precinct in which ballots were used, read therefrom the number of ballots issued, spoiled, canceled, and cast, respectively, whereupon the assistant having charge of the records of the superintendent showing the number of ballots furnished for each precinct, including the number of stubs and unused ballots and spoiled and canceled ballots returned, shall publicly announce the number of the same respectively; and unless it appears by such number or calculations therefrom that such records and such general return correspond, no further returns shall be read from the latter until all discrepancies are explained to the satisfaction of the superintendent.

(f) In precincts in which voting machines have been used, there shall be read from the general return the identifying number or other designation of each voting machine used and the numbers registered on the protective counter or device on each machine prior to the opening of the polls and immediately after the close of the same, whereupon the assistant having charge of the records of the superintendent showing the number registered on the protective counter or device of each voting machine prior to delivery at the polling place shall publicly announce the numbers so registered; and, unless it appears that such records and such general return correspond, no further returns shall be read from the latter until any and all discrepancies are explained to the satisfaction of the superintendent.

(g) In precincts in which paper ballots have been used, when the records agree with such returns regarding the number of ballots and the number of votes recorded for each candidate, such votes for each candidate shall be read by an assistant slowly, audibly, and in an orderly manner from the general return which has been returned unsealed; and the figures announced shall be compared by other assistants with the general return which has been returned sealed. The figures announced for all precincts shall be compared by one of the assistants with the tally papers from the respective precincts. If any discrepancies are discovered, the superintendent shall examine all of the return sheets, tally papers, and other papers in his possession relating to the same precinct. If the tally papers and sealed general return sheet agree, the unsealed general return shall be immediately corrected to conform thereto. But in every other case the superintendent shall immediately cause the ballot box of the precinct to be opened and the vote therein to be recounted in the presence of interested candidates or their representatives; and, if the recount shall not be sufficient to correct the error, the superintendent may summon the poll officers to appear immediately with all election papers in their possession.

(h) In precincts in which voting machines have been used, when the records agree with the returns regarding the number registered on the voting machine, the votes recorded for each candidate shall be read by an assistant slowly, audibly, and in an orderly manner from the general return sheet which has been returned unsealed; and the figures announced shall be compared by other assistants with the duplicate return sheet which has been returned sealed. If the voting machine is of the type equipped with a mechanism for printing paper proof sheets, such general and duplicate return sheets shall also be compared with such proof sheets, which have been returned as aforesaid. If any discrepancies are discovered, the superintendent shall examine all of the return sheets, proof sheets, and other papers in his possession relating to the same precinct. Such proof sheets shall be deemed to be prima-facie evidence of the result of the primary or election and to be prima facie accurate; and, if the proper proof sheets, properly identified, shall be mutually consistent and if the general and duplicate returns, or either of them, from such precinct shall not correspond with such proof sheets, they shall be corrected so as to correspond with same, in the absence of allegation of specific fraud or error, proved to the satisfaction of the superintendent.

(i) If any error or fraud is discovered, the superintendent shall compute and certify the votes justly, regardless of any fraudulent or erroneous returns presented to him, and shall report the facts to the appropriate district attorney for action.

(j) The superintendent shall see that the votes shown by each absentee ballot are added to the return received from the precinct of the elector casting such ballot.

(k) As the returns from each precinct are read, computed, and found to be correct or corrected as aforesaid, they shall be recorded on the blanks prepared for the purpose until all the returns from the various precincts which are entitled to be counted shall have been duly recorded; then they shall be added together, announced, and attested by the assistants who made and computed the entries respectively and shall be signed by the superintendent. The consolidated returns shall then be certified by the superintendent, in the manner required by this chapter.

(l) In case the results of an election contest change the returns so certified, a corrected return shall be certified and filed by the superintendent, making such corrections as the court orders.

(m) Notwithstanding any provision of law to the contrary, with respect to the presidential preference primary to be held in 1992, the superintendent shall begin to compute and consolidate the returns from each precinct and all absentee ballots cast through 7:00 P.M. on the date of the presidential preference primary not later than 12:00 Noon on the

day following the date of the presidential preference primary in accordance with the procedures set forth in this Code section. Upon the conclusion of the consolidation, the superintendent shall announce the results of the consolidation but shall not certify the consolidation. At or before 12:00 Noon on the fifteenth day following the date of the presidential preference primary, the superintendent shall compute and canvass the returns of the absentee ballots which were received by the registrars after 7:00 P.M. on the date of the presidential preference primary but by 5:00 P.M. on the fourteenth day following the date of the presidential preference primary which were postmarked on or before the date of the presidential preference primary. These returns shall be added to the consolidation of the votes previously prepared and a final consolidation of the votes shall be certified and filed as other certifications of election results and all election materials shall then be distributed in accordance with the provisions of this chapter. (Ga. L. 1943, p. 347, § 1; Code 1933, § 34-1504, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 292, § 1; Ga. L. 1970, p. 347, § 29; Ga. L. 1982, p. 1512, § 5; Ga. L. 1983, p. 140, § 1; Ga. L. 1987, p. 34, § 1; Ga. L. 1992, p. 1, § 5; Ga. L. 1992, p. 56, § 1.)

**21-2-494. Computation and certification of write-in votes.**

The superintendent, in computing the votes cast at any election, shall compute and certify only those write-in votes cast for candidates who have given proper notice of intent to be write-in candidates pursuant to Code Section 21-2-133 exactly as such names were written by the elector. (Code 1933, § 34-1506, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 292, § 1; Ga. L. 1987, p. 417, § 9.)

**21-2-495. Procedure for recount or recanvass of votes; losing candidate's right to a recount.**

(a) In precincts where paper ballots or vote recorders have been used, the superintendent may, either of his own motion or upon petition of any candidate or political party, order the recount of all the ballots for a particular precinct or precincts for one or more offices in which it shall appear that a discrepancy or error, although not apparent on the face of the returns, has been made. Such recount may be held at any time prior to the certification of the consolidated returns by the superintendent and shall be conducted under the direction of the superintendent. Before making such recount, the superintendent shall give notice in writing to each candidate and to the county chairman of each party or body affected by the recount; and each such candidate may be present in person, or by representative; and each such party or body may send two representatives to be present at such recount. If upon such recount, it shall appear that the original count by the poll officers was incorrect,

such returns and all papers being prepared by the superintendent shall be corrected accordingly.

(b) In precincts where voting machines have been used, whenever it appears that there is a discrepancy in the returns recorded for any voting machine or machines or that an error, although not apparent on the face of the returns, exists, the superintendent shall, either of his own motion or upon the sworn petition of three electors of any precinct, order a recanvass of the votes shown on that particular machine or machines. Such recanvass may be conducted at any time prior to the certification of the consolidated returns by the superintendent. In conducting such recanvass, the superintendent shall summon the poll officers of the precinct; and such officers, in the presence of the superintendent, shall make a record of the number of the seal upon the voting machine or machines and the number of the protective counter or other device; shall make visible the registering counters of each such machine; and, without unlocking the machine against voting, shall recanvass the vote thereon. Before making such recanvass, the superintendent shall give notice in writing to the custodian of voting machines, to each candidate, and to the county chairman of each party or body affected by the recanvass; and each such candidate may be present in person, or by representative; and each of such parties or bodies may send two representatives to be present at such recanvass. If, upon such recanvass, it shall be found that the original canvass of the returns has been correctly made from the machine and that the discrepancy still remains unaccounted for, the superintendent, with the assistance of the custodian, in the presence of the poll officers and the authorized candidates and representatives, shall unlock the voting and counting mechanism of the machine and shall proceed thoroughly to examine and test the machine to determine and reveal the true cause or causes, if any, of the discrepancy in returns from such machine. Each counter shall be reset at zero before it is tested, after which it shall be operated at least 100 times. After the completion of such examination and test, the custodian shall then and there prepare a statement, in writing, giving in detail the result of the examination and test; and such statement shall be witnessed by the persons present and shall be filed with the superintendent. If, upon such recanvass, it shall appear that the original canvass of the returns by the poll officers was incorrect, such returns and all papers being prepared by the superintendent shall be corrected accordingly; provided, however, that in the case of returns from any precinct wherein the primary or election was held by the use of a voting machine equipped with a mechanism for printing paper proof sheets, such proof sheets, if mutually consistent, shall be deemed to be prima-facie evidence of the result of the primary or election and to be prima-facie accurate; and there shall not be considered to be any discrepancy or error in the returns from any such precinct, such as to require a recanvass of the vote, if all available

proof sheets, from the voting machine used therein, identified to the satisfaction of the superintendent and shown to his satisfaction to have been produced from proper custody, shall be mutually consistent; and, if the general and duplicate returns, or either of them, from such precincts shall not correspond with such proof sheets, they, and all other papers being prepared by the superintendent, shall be corrected so as to correspond with the same, in the absence of allegation of specific fraud or error proved to the satisfaction of the superintendent by the weight of the evidence; and only in such case shall the vote of such precinct be recanvassed under this Code section.

(c) Whenever the difference between the number of votes received by a candidate who has been declared nominated for an office in a primary election or who has been declared elected to an office in an election or who has been declared eligible for a run-off primary or election, and the number of votes received by any other candidate or candidates not declared so nominated or elected or eligible for a runoff shall be not more than 1 percent of the total votes which were cast for such office therein, any candidate or candidates receiving a sufficient number of votes so that the difference between his vote and that of a candidate declared nominated, elected, or eligible for a runoff is not more than 1 percent of the total votes cast, within a period of five days following the certification of the election results, shall have the right to a recount of the votes cast, if such request is made in writing by the losing candidate. If the office sought is a federal or state office voted upon by the electors of more than one county, the request shall be made to the Secretary of State who shall notify the superintendents of the several counties involved of the request. In all other cases, the request shall be made to the superintendent. The superintendent or superintendents shall order a recount of such votes to be made immediately. If upon such recount, it is determined that the original count was incorrect, the returns and all papers prepared by the superintendent, the superintendents, or the Secretary of State shall be corrected accordingly and the results recertified.

(d) Any other provision of this Code section to the contrary notwithstanding, a candidate for a federal or state office voted upon by the electors of more than one county, except the offices of Governor, Lieutenant Governor, Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, and Commissioner of Labor, may petition the Secretary of State for a recount or recanvass of votes, as appropriate, when it appears that a discrepancy or error, although not apparent on the face of the returns, has been made. The recount or recanvass may be ordered in the discretion of the Secretary of State in any and all counties in which electors voted for such office, and said recount or recanvass may be held at any time prior to the certification of the consolidated returns by the Secretary of State. A candidate for the office of Governor, Lieutenant Gover-

nor, Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, or Commissioner of Labor may petition the Constitutional Officers Election Board for a recount or recanvass of votes, as appropriate, when it appears that a discrepancy or error, although not apparent on the face of the returns, has been made. The Constitutional Officers Election Board may order, in its discretion, a recount or recanvass in any and all counties in which the electors voted for such office and said recount or recanvass may be held at any time prior to the certification of the returns by the Constitutional Officers Election Board. A recount or recanvass shall be conducted by the appropriate superintendent or superintendents in the manner and pursuant to the procedures otherwise provided in this Code section for a recount or recanvass, as appropriate. The petition pursuant to this Code section shall be in writing and signed by the person or persons requesting the recount or recanvass. A petition shall set forth the discrepancies or errors and any evidence in support of the petitioner's request for a recount or recanvass and shall be verified. The Secretary of State or the Constitutional Officers Election Board, as appropriate, may require the petitioner or other persons to furnish additional information concerning the apparent discrepancies or errors in the counting or canvassing of votes. (Ga. L. 1941, p. 432, §§ 1-4, 8; Ga. L. 1962, p. 678, § 1; Code 1933, § 34-1505, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 292, § 1; Ga. L. 1975, p. 806, § 1; Ga. L. 1976, p. 248, § 1; Ga. L. 1982, p. 1512, § 5; Ga. L. 1983, p. 140, § 1; Ga. L. 1986, p. 382, § 5; Ga. L. 1986, p. 855, § 5; Ga. L. 1987, p. 34, § 1.)

**21-2-496. Preparation and filing by superintendent of four copies of consolidated return of primary.**

Each superintendent shall prepare four copies of the consolidated return of the primary to be certified by the superintendent on forms furnished by the Secretary of State, such consolidated returns to be filed immediately upon certification as follows:

- (1) One copy to be posted at the county courthouse for the information of the public;
- (2) One copy to be filed in the superintendent's office;
- (3) One copy to be forwarded to the Secretary of State, together with a copy of each precinct return and a copy of the numbered list of voters of each precinct, as well as the returns and numbered list of voters for absentee electors; and
- (4) One copy to be sealed and filed with the clerk of the superior court as required by Code Section 21-2-500. (Ga. L. 1890-91, p. 210, § 2; Civil Code 1895, § 114; Civil Code 1910, § 128; Code 1933, § 34-3202; Code 1933, § 34-1507, enacted by Ga. L. 1964, Ex. Sess.,

p. 26, § 1; Ga. L. 1969, p. 292, § 1; Ga. L. 1970, p. 347, § 30; Ga. L. 1979, p. 631, § 2; Ga. L. 1982, p. 1512, § 5.)

**21-2-497. Preparation and filing by superintendent of four copies of consolidated return of elections.**

Each superintendent shall prepare four copies of the consolidated return of the election to be certified by the superintendent on forms furnished by the Secretary of State, such consolidated returns to be filed immediately upon certification as follows:

(1) One copy to be posted at the county courthouse for the information of the public;

(2) One copy to be filed and recorded as a permanent record in the minutes of the superintendent's office;

(3) One copy to be sealed and filed with the clerk of the superior court as required by Code Section 21-2-500; and

(4) One copy to be returned as follows:

(A) In the case of election for Governor, Lieutenant Governor, Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, and Commissioner of Labor, the returns shall be sealed by the superintendent separately from other returns and shall be transmitted immediately to the Secretary of State;

(B) In the case of election of federal and state officers, except those officers named in subparagraph (A) of this paragraph, a separate return showing totals of the votes cast for each of such officers respectively shall also be forwarded by the superintendent to the Secretary of State on forms furnished by the Secretary of State;

(C) In the case of elections for any county officer or other officer required by law to be commissioned by the Governor in any of the several counties of this state, it shall be the duty of the superintendent to transmit immediately to the Secretary of State a certified copy of the returns of all such offices;

(D) In the case of referendum elections provided for by an Act of the General Assembly, the returns shall immediately be certified by the authority holding such election to the Secretary of State, along with the precinct returns and numbered list of voters for each precinct. In addition thereto, the official citation of the Act involved and the purpose of such election shall be sent to the Secretary of State at the same time. The Secretary of State shall maintain a permanent record of such certifications;

(E) In the case of elections on constitutional amendments, the returns shall be certified immediately to the Secretary of State. Upon receiving the certified returns from the various superintendents, the Secretary of State shall immediately proceed to canvass and tabulate the votes cast on such amendments and certify the results to the Governor; or

(F) In the case of election for presidential electors, a separate return shall be prepared by each superintendent and certified immediately to the Secretary of State. (Ga. L. 1890-91, p. 210, § 2; Civil Code 1895, § 114; Civil Code 1910, § 128; Ga. L. 1918, p. 154, §§ 1, 2; Ga. L. 1921, p. 232, § 1; Code 1933, §§ 34-2201, 34-2202, 34-3202; Code 1933, § 34-1508, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 292, § 1; Ga. L. 1970, p. 347, § 30; Ga. L. 1982, p. 3, § 21; Ga. L. 1982, p. 1512, § 5; Ga. L. 1983, p. 884, § 6-6; Ga. L. 1986, p. 32, § 1; Ga. L. 1986, p. 855, § 6; Ga. L. 1987, p. 34, § 1; Ga. L. 1992, p. 56, § 1.)

**21-2-498. Composition of Constitutional Officers Election Board; opening of returns of elections for constitutional officers before board; publication of returns; certification of returns by board; filing of returns with Secretary of State; procedure in cases in which returns have not been transmitted to Secretary of State at time of convening of board.**

(a) On the Tuesday next following the general election, the Secretary of State shall transmit the returns for the elections for constitutional officers to the Constitutional Officers Election Board, which shall be composed of the Speaker and the Clerk of the House of Representatives, the President Pro Tempore and the Secretary of the Senate, and the chairman of each standing committee of the General Assembly. The Speaker of the House shall act as the chairman of such board. On said date, the chairman shall convene such board at such time and place as he shall determine, after having given due notice thereof to all members of the board and the candidates for constitutional offices. Each candidate shall be entitled to designate one person to be present at the opening of the returns. Such board shall open and publish the returns of each such election. The person having the majority of the whole number of votes in each election shall be declared duly elected, and certified returns shall be made by the Constitutional Officers Election Board and filed with the Secretary of State.

(b) If it shall appear that any of the returns of the election for such offices shall not have been transmitted to the Secretary of State as provided by this chapter at the time the board convenes, the chairman of the board shall immediately notify the chairman of the State Election Board and inform him as to which returns have not been received. It shall be

the duty of the chairman of the State Election Board to convene immediately the State Election Board for the purpose of completing such returns. The State Election Board shall assume all of the powers, duties, and responsibilities of the superintendent of the delinquent county for the purpose of completing the count and tabulation of the votes cast in such county for such offices. It shall be the duty of the superintendent, poll officers, and other election officials in such county to render to the State Election Board all such assistance and cooperation as shall be required to complete such count and tabulation without delay. Upon the request of the State Election Board, all ballots, lists, sheets, and all other election paraphernalia as shall be required to complete the returns shall be surrendered to the State Election Board; and the judge of the superior court of such county shall take such action as is necessary to carry this into effect. The State Election Board shall immediately complete the count and tabulation of such votes and immediately transmit the returns of such elections to the chairman of the Constitutional Officers Election Board. When the State Election Board has completed its use of the election materials, such materials shall be returned to the county officials from whom received for disposition in accordance with applicable provisions of this chapter. As soon as all returns of such elections are in the hands of the chairman of the Constitutional Officers Election Board, the chairman shall immediately convene the board, after giving the notices provided for in subsection (a) of this Code section; and the board shall open and publish the returns of each such election and certify returns as prescribed in subsection (a) of this Code section.

(c) The Constitutional Officers Election Board shall not count, tabulate, or publish the names of any write-in candidates for whom the notice of intention of candidacy has not been provided in compliance with Code Section 21-2-133. (Code 1933, § 34-1509, enacted by Ga. L. 1970, p. 347, § 30; Ga. L. 1987, p. 997, § 2.)

**21-2-499. Duty of Secretary of State as to tabulation, computation, and canvassing of votes for state and federal officers; certification of presidential electors by Governor.**

(a) Upon receiving the certified returns of any election from the various superintendents, the Secretary of State shall immediately proceed to tabulate, compute, and canvass the votes cast for all candidates described in subparagraph (B) of paragraph (4) of Code Section 21-2-497 and upon all questions voted for by the electors of more than one county and shall thereupon certify and file in his office the tabulation thereof. The Secretary of State shall also, upon receiving the certified returns for presidential electors, proceed to tabulate, compute, and canvass the votes cast for each slate of presidential electors and shall immediately lay them before the Governor. The Governor shall enumerate and ascertain the

number of votes for each person so voted and shall certify the slates of presidential electors receiving the highest number of votes.

(b) The Secretary of State shall not count, tabulate, or publish the names of any write-in candidates for whom the notice of intention of candidacy has not been provided in compliance with Code Section 21-2-133. (Code 1933, § 34-1510, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 292, § 1; Ga. L. 1970, p. 347, § 30; Ga. L. 1987, p. 997, § 3.)

**21-2-500. Delivery of voting materials to clerk of superior court; presentation to grand jury; preservation and destruction.**

Immediately upon completing the returns required by this article, the superintendent shall deliver in sealed containers to the clerk of the superior court the used, unused, and void ballots and the stubs of all ballots used, one copy of oaths of poll officers, one copy of the numbered lists of voters, tally paper, voting machine paper proof sheet, and return sheet involved in the primary or election. The clerk shall hold such ballots and other documents under seal (unless otherwise directed by the superior court) for at least 24 months, after which they shall be presented to the grand jury for inspection at its next meeting. Such ballots and other documents shall be preserved in the office of the clerk until the adjournment of such grand jury and then they may be destroyed, unless otherwise provided by court order. (Code 1933, § 34-1515, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 292, § 1; Ga. L. 1970, p. 347, § 30; Ga. L. 1978, p. 1004, § 33.)

**21-2-501. Majority vote as prerequisite for nomination or election; holding of run-off primary or election when no candidate receives majority vote; procedure for run-off primary or election generally; run-off procedure for constitutional officers.**

(a) Except as otherwise provided in this Code section, no 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. To be elected to the office of presidential electors, no slate of candidates of any political party or body shall be required to receive a majority of the votes cast; but that slate of candidates of a political party or body shall be elected to such office which receives the highest number of votes cast. In instances where no candidate receives a majority of the votes cast, a run-off primary or election 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 election shall be held on the twenty-first

day after the day of holding the preceding primary or election, provided that unless postponed by court order, a runoff in the case of a special primary or election shall be held no sooner than the fourteenth day and no later than the twenty-first day after the day of holding the preceding special primary or 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 or election to fill the nomination or public office he seeks shall be declared the winner. The name of a write-in candidate eligible for election in a runoff shall be printed on the run-off election ballot in the independent column. The run-off primary or run-off election shall be a continuation of the primary or election for the particular office concerned, and only the electors who were entitled to vote in the primary or 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 or run-off election shall be counted in the tabulation and canvass of the votes cast. No elector shall vote in a run-off primary in violation of Code Section 21-2-235.

(b) In the event no candidate for the office of Governor, Lieutenant Governor, Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, or Commissioner of Labor receives a majority of the whole number of votes cast in the general election, the Constitutional Officers Election Board shall continue the election for the office in which no candidate received a majority by immediately calling a run-off election and designating as candidates therein the candidates who received the two highest numbers of votes for the particular office concerned and who continue in life and have not declined to continue as a candidate. This run-off election shall be held on the third Tuesday immediately following the general election. The run-off election shall be a continuation of the general election for the particular office concerned, and only the electors who were entitled to vote in the general election for candidates for that particular office shall be entitled to vote therein; and only those votes cast for the persons designated by the Constitutional Officers Election Board as candidates in such run-off election shall be counted in the tabulation and canvass of the votes cast. The provisions of Code Section 21-2-498 relating to the convening of the Constitutional Officers Election Board, transmission of the returns in the general election, and the opening of the returns, their tabulation, canvassing, and publication shall apply to the run-off elections provided for by this subsection. On the Tuesday next following the run-off election, the Constitutional Officers Election Board shall con-

vene, open, canvass, tabulate, and publish the returns of the run-off election or elections. The person having the highest number of votes entitled to be counted in the run-off election for each of such offices shall be declared duly elected. (Code 1933, § 34-1513, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 257, § 2; Ga. L. 1969, p. 292, § 1; Ga. L. 1970, p. 347, § 30; Ga. L. 1971, p. 602, § 3; Ga. L. 1975, p. 867, § 1; Ga. L. 1979, p. 904, § 1; Ga. L. 1981, p. 1718, § 10; Ga. L. 1983, p. 827, § 2; Ga. L. 1986, p. 855, § 7; Ga. L. 1987, p. 417, § 10.)

**21-2-502. Issuance of certificates of election and commission; Governor's proclamation as to constitutional amendments.**

(a) *Governor and other constitutional officers.* The person receiving a majority of the votes for the respective offices named in subparagraph (A) of paragraph (4) of Code Section 21-2-497 shall be declared elected thereto, and certificates of election shall be made by the Constitutional Officers Election Board and issued to each person so elected. The Secretary of State shall lay the certified returns filed with him by the Constitutional Officers Election Board before the Governor upon his taking the oath of office as Governor; and the Governor, upon the other constitutional officers taking their oaths of office, shall issue a commission under the great seal of the State of Georgia signed by the Governor and countersigned by the Secretary of State, to each such person. The Secretary of State shall issue the commission to the person elected Governor.

(b) *United States senators; representatives in Congress; members of General Assembly.*

(1) Upon completing the tabulation of any election for United States senator or representative in Congress, the Secretary of State shall lay the same before the Governor, who shall immediately issue certificates of election and commissions under the seal of the state, duly signed by himself and attested by the Secretary of State and deliver the same to the candidates receiving a majority of the votes for the respective offices.

(2) The Secretary of State shall issue certificates of election to the persons elected members of the Senate and the House of Representatives of the General Assembly and between the hours of 12:00 Noon and 1:00 P.M. on the second Monday in January of each odd-numbered year, present before the Senate and the House of Representatives the several returns of the elections of members of the respective houses. In case of a special election the Secretary of State shall issue a certificate of election to each person so elected, and he shall present the returns of such election to the proper house as soon as received and tabulated by him. Immediately upon their taking the oath of office, each member of the Senate and the House of Represen-

tatives shall be issued a commission under the great seal of the State of Georgia, signed by the Secretary of State.

(c) *Justices of the Supreme Court, Judges of the Court of Appeals, Commissioners of the Georgia Public Service Commission, judges of the superior court, judges of the juvenile court, and district attorneys.* Upon completion of the tabulation the Secretary of State shall certify the result of each election of Justices of the Supreme Court, of Judges of the Court of Appeals, of Commissioners of the Georgia Public Service Commission, of judges of the superior court, of judges of the juvenile court where elected, and of district attorneys to the Governor and shall issue a certificate of election to each person so elected. The Governor shall, upon each such person taking the oath of office, immediately issue a commission under the great seal of the State of Georgia, signed by the Governor and countersigned by the Secretary of State, to each such person.

(d) *County officers.* The superintendent in each county shall, as soon as the returns have been properly certified, issue certificates of election to the successful candidates for all county officers to be filled by the votes of electors of such county. Immediately upon taking the oath of office, each such county officer shall be issued a commission under the seal of the executive department, signed by the Governor and countersigned by one of his secretaries.

(e) *Presidential electors.* The Secretary of State, on receiving and computing the returns of presidential electors, shall lay them before the Governor, who shall enumerate and ascertain the number of votes for each person so voted for and shall cause a certificate of election to be delivered to each person so chosen.

(f) *Constitutional amendments.* Upon receiving the certified results of elections on all constitutional amendments from the Secretary of State, the Governor shall issue his proclamation declaring the results of the vote of each amendment. (Orig. Code 1863, § 1252; Code 1868, § 1333; Code 1873, § 1312; Ga. L. 1880-81, p. 67, § 1; Code 1882, § 1312; Ga. L. 1888, p. 33, § 1; Civil Code 1895, § 90; Civil Code 1910, § 104; Code 1933, § 34-2502; Ga. L. 1958, p. 208, § 7; Code 1933, § 34-1511, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 292, § 1; Ga. L. 1970, p. 347, § 30; Ga. L. 1983, p. 884, § 6-7; Ga. L. 1984, p. 565, § 2; Ga. L. 1985, p. 206, § 1; Ga. L. 1986, p. 32, § 1.)

**21-2-503. Issuance of commission to person whose election is contested; procedure upon finding that person to whom commission was issued was not legally elected.**

A commission which is to be issued, as provided for by this chapter, to any person elected to any office shall be issued notwithstanding the fact

that the election of such person to any such offices may be contested in the manner provided by this chapter. Whenever it shall appear, by the final judgment of the proper tribunal having jurisdiction of a contested election, that the person to whom such commission shall have been issued has not been elected legally to the office for which he has been commissioned, then a commission shall be issued to the person who shall appear to be elected legally to such office. The issuing of such commission shall nullify the commission already issued; and all power and authority first issued under such commission shall thereupon cease. (Ga. L. 1893, p. 124, § 1; Civil Code 1895, § 107; Ga. L. 1898, p. 44, § 1; Civil Code 1910, § 121; Code 1933, § 34-2801; Code 1933, § 34-1512, enacted by Ga. L. 1969, p. 292, § 1; Ga. L. 1970, p. 347, § 30.)

**21-2-504. Special primary or election upon failure to nominate or elect or upon death, withdrawal, or failure of officer-elect to qualify.**

Whenever any primary or election shall fail to fill a particular nomination or office and such failure cannot be cured by a run-off primary or election, or whenever any person elected to public office shall die or withdraw prior to taking office, or whenever any person elected to public office shall fail to take that office validly, the authority with whom the candidates for such nomination or office file notice of candidacy shall call a special primary or election to fill such position. If a special primary will not be held and unless otherwise provided by law, the call of a special election shall be made within 45 days after the occurrence of the vacancy. (Code 1933, § 34-1514, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 292, § 1; Ga. L. 1970, p. 347, § 30; Ga. L. 1980, p. 685, § 1; Ga. L. 1984, p. 1, § 13.)

## ARTICLE 13

### CONTESTED ELECTIONS AND PRIMARIES

**21-2-520. Definitions.**

As used in this article, the term:

(1) "Contestant" means any person or persons entitled under Code Section 21-2-521 to contest the result of any primary or election.

(2) "Defendant" means:

(A) The person whose nomination or election is contested;

(B) The person or persons whose eligibility to seek any nomination or office in a run-off primary or election is contested;

(C) The election superintendent or superintendents who conducted the contested primary or election; or

(D) The public officer who formally declared the number of votes for and against any question submitted to electors at an election. (Code 1933, § 34-1701, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1987, p. 1050, § 1.)

**21-2-521. Primaries and elections which are subject to contest; persons who may bring contest.**

The nomination of any person who is declared nominated at a primary as a candidate for any federal, state, or county office; the election of any person who is declared elected to any such office (except when otherwise prescribed by the federal Constitution or the Constitution of Georgia); the eligibility of any person declared eligible to seek any such nomination or office in a run-off primary or election; or the approval or disapproval of any question submitted to electors at an election may be contested by any person who was a candidate at such primary or election for such nomination or office, or by any aggrieved elector who was entitled to vote for such person or for or against such question. (Code 1933, § 34-1702, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 871, § 17.)

**21-2-522. Grounds for contest.**

A result of a primary or election may be contested on one or more of the following grounds:

- (1) Misconduct, fraud, or irregularity by any primary or election official or officials sufficient to change or place in doubt the result;
- (2) When the defendant is ineligible for the nomination or office in dispute;
- (3) When illegal votes have been received or legal votes rejected at the polls sufficient to change or place in doubt the result;
- (4) For any error in counting the votes or declaring the result of the primary or election, if such error would change the result;
- (5) For any other cause which shows that another was the person legally nominated, elected, or eligible to compete in a run-off primary or election. (Code 1933, § 34-1703, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1986, p. 772, § 6.)

**21-2-523. Jurisdiction and general pre-trial proceedings in superior court; notification of proceedings to administrative judge; selecting administrative judge of adjoining district; compensation of presiding judge.**

(a) A contest case governed by this article shall be tried and determined by the superior court of the county where the defendant resides. A contest case challenging the eligibility of the two defendants declared as eligible to compete with each other in a run-off primary or election shall be tried and determined by the superior court of the county where the defendant who received the highest number of votes resides.

(b) The superior court having jurisdiction of a contest case governed by this article shall be presided over by a superior court judge or senior judge. The superior court judge or senior judge who presides over the contest shall be selected as set out in subsection (c) of this Code section.

(c) Upon the filing of a contest petition, the clerk of the superior court having jurisdiction shall immediately notify the administrative judge for the judicial administrative district in which that county lies, or the district court administrator, who shall immediately notify the administrative judge, of the institution of proceedings under this article. If the county in which the proceedings were instituted is not in the circuit of the administrative judge, the administrative judge shall select a superior court judge from within the district, but not from the circuit in which the proceeding was instituted, or a senior judge not a resident of the circuit in which the proceeding was instituted, to preside over the contest.

(d) If the administrative judge is a member of the circuit in which the proceeding was filed, or if the other judges of the district are unable or are unwilling to preside over the proceeding, or if the other judges of the district are judges of the circuit in which the proceeding was filed, then the administrative judge shall select an administrative judge of an adjoining district to select a superior court judge from that district, or a superior court judge from the district in which the proceeding was filed, but not the circuit in which the proceeding was filed, or a senior judge who is not a resident of the circuit wherein the proceeding was filed.

(e) After a judge has agreed to preside over the case, the administrative judge who selected the judge to hear the matter shall enter an order in the superior court of the county where the proceeding was filed appointing such judge, and such judge shall promptly begin presiding over such proceedings in such court and shall determine same as soon as practicable. Such judge shall be reimbursed for his actual expenses for food and lodging and shall receive the same mileage as any other state officials and employees. Senior judges shall be entitled to compensation and reimbursement as the law provides for senior judge service. (Code

1933, § 34-1704, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 329, § 1; Ga. L. 1977, p. 175, § 1; Ga. L. 1991, p. 608, § 2.)

**21-2-524. Filing and allegations of petition to contest primary or election; service of petition upon State Election Board; verification of petition by affidavit; notice of proceedings to answer petition; service of special process; amendment of petition, cross action, or answer.**

(a) A petition to contest the result of a primary or election shall be filed in the office of the clerk of the superior court having jurisdiction within five days after the official consolidation of the returns of that particular office or question and certification thereof by the election official having responsibility for taking such action under this chapter or within five days after the official consolidation and certification of the returns of that particular office or question by the election official having responsibility for taking such action under this chapter following a recount pursuant to Code Section 21-2-495 and shall allege:

(1) The contestant's qualification to institute the contest;

(2) The contestant's desire to contest the result of such primary or election and the name of the nomination, office, or question involved in the contest;

(3) The name of the defendant;

(4) The name of each person who was a candidate at such primary or election for such nomination or office in the case of a contest involving same;

(5) Each ground of contest;

(6) The date of the official declaration of the result in dispute;

(7) The relief sought; and

(8) Such other facts as are necessary to provide a full, particular, and explicit statement of the cause of contest.

(b) The State Election Board shall be served with a copy of the petition, as provided in subsection (a) of this Code section, by serving the same on the chairman thereof, by mailing a copy to the chairman by certified or registered mail; and a certificate that such service has been made shall be filed by the plaintiff or his attorney.

(c) When an error in the counting of votes is alleged as a ground of contest, it is sufficient for the contestant to state generally that he believes that error was committed in the counting of the votes cast for the filling of the nomination or office in dispute, or for or against the question in dispute, in one or more specified precincts; and it shall not be

necessary for the contestant to offer evidence to substantiate such allegation. If a recount of the votes cast in any precinct or precincts shall change the result in dispute, any aggrieved litigant may require a recount of the votes affecting such result, which were cast in any other precinct or precincts, by amending his pleadings and requesting such relief.

(d) The petition shall be verified by the affidavit of each contestant. Such affidavit shall be taken and subscribed before some person authorized by law to administer oaths and shall state that the contestant believes the facts alleged therein are true, that according to the best of his knowledge and belief the contested result of the primary or election is illegal and the return thereof incorrect, and that the petition to contest the same is made in good faith.

(e) A statement of the grounds of contest shall not be rejected, nor the proceedings dismissed by any court, for want of form, if the grounds of contest are alleged with such certainty as will advise the defendant of the particular proceeding or cause for which the primary or election is contested.

(f) Upon such petition being filed, the clerk shall issue notice, in the form of special process directed to the sheriff of such county, requiring the defendant and any other person named in such petition as a candidate for such nomination or office, if any, to appear and answer such petition, on a day to be fixed in such notice, not more than ten days nor less than five days after the service of such notice. Such notice, with a copy of the petition attached, shall be served by the sheriff upon the defendant and any other person named therein in the same manner as petitions and process are served in other civil cases. On or before the day fixed in such notice, unless for good cause shown the presiding judge shall extend the time therefor, the defendant shall appear and answer such petition and may set up by way of answer or cross action any right of interest he may have or claim in such proceeding. Any other person who was a candidate at such primary or election for the nomination or office involved and upon whom notice was served as provided in this subsection shall be deemed a litigant to such proceeding and may set up by way of answer or cross action any right of interest or claim he may have.

(g) After filing, any petition, cross action, or answer may be amended with leave of the court so as to include the specification of additional grounds of contest, other relevant facts, or prayer for further relief. After each amendment, a reasonable time to respond shall be given by the court to any opposing litigant. (Ga. L. 1893, p. 124, § 1; Civil Code 1895, § 107; Ga. L. 1898, p. 44, § 1; Civil Code 1910, § 121; Code 1933, § 34-2801; Code 1933, § 34-1705, enacted by Ga. L. 1964, Ex. Sess., p.

26, § 1; Ga. L. 1969, p. 329, § 24; Ga. L. 1979, p. 955, § 8; Ga. L. 1982, p. 1512, § 5; Ga. L. 1986, p. 32, § 1; Ga. L. 1989, p. 1748, § 1.)

**21-2-525. Hearing; powers of court generally.**

(a) Within 20 days after the return day fixed in the notice as provided in subsection (a) of Code Section 21-2-524 to the defendant, the presiding judge shall fix a place and time for the hearing of the contest proceeding. Such judge may fix additional hearings at such other times and places as are necessary to decide the contest promptly.

(b) The court having jurisdiction of the action shall have plenary power, throughout the area in which the contested primary or election was conducted, to make, issue, and enforce all necessary orders, rules, processes, and decrees for a full and proper understanding and final determination and enforcement of the decision of every such case, according to the course of practice in other civil cases under the laws of this state, or which may be necessary and proper to carry out this chapter. The court shall have authority to subpoena and to compel the attendance of any officer of the primary or election complained of, and of any person capable of testifying concerning the same; to compel the production of evidence which may be required at such hearing, in like manner and to the same extent as in other civil cases litigated before such court; to take testimony; and to proceed without delay to the hearing and determination of such contest, postponing for the purpose, if necessary, all other business.

(c) The court may, in its discretion, limit the time to be consumed in taking testimony, dividing such time equitably among all litigants concerned, with a view therein to the circumstances of the matter and to the proximity of the next succeeding primary or election. (Ga. L. 1893, p. 124, § 1; Civil Code 1895, § 107; Civil Code 1910, § 121; Code 1933, § 34-2801; Code 1933, § 34-1706, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-526. Trial by jury.**

(a) All issues of a contest shall be fully tried and determined by the court without the aid and intervention of a jury, unless a litigant to the contest shall demand a trial by jury at any time prior to the call of the case; and the court shall determine that it is an issue which under other laws of this state the litigant is entitled to have tried by a jury. Upon such determination, a jury shall be impaneled and the cause shall proceed according to the practice and procedure of the court in jury cases.

(b) In a case contesting the result of a primary or election held in two or more counties, each issue to be tried by a jury shall be tried by a jury impaneled in the county where such issue or a part thereof arose. Such

jury shall be impaneled by the superior court of the county in which the jury trial is to be conducted; such trial shall be presided over by the judge as described in Code Section 21-2-523; and such trial shall proceed, insofar as practicable, as though it were being conducted in the county of the superior court having jurisdiction of the contest.

(c) In a case contesting the result of a primary or election held within a single county, the court may require a jury to return only a special verdict in the form of a special written finding upon each issue of fact. In a case contesting the result of a primary or election held in two or more counties, the court shall require each jury impaneled to return only a special verdict in the form of a special written finding upon each issue of fact. In a case where a special verdict is to be rendered, the court shall submit to the jury written questions susceptible of categorical or other brief answer or may submit written forms of the several special findings which might properly be made under the pleadings and evidence; or it may use such other method of submitting the issues and requiring the written findings thereon as it deems most appropriate. The court shall give to the jury such explanation and instruction concerning the matter thus submitted as may be necessary to enable the jury to make its findings upon each issue. If, in so doing, the court omits any issue of fact raised by the pleadings or by the evidence, each party waives his right to a trial by jury of the issue so omitted unless before the jury retires he demands its submission to the jury. As to an issue omitted without such demand, the court may make a finding; or, if it fails to do so, it shall be deemed to have made a finding in accord with the judgment on the special verdict. (Code 1933, § 34-1707, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-527. Pronouncement of judgment; effect of finding of misconduct by poll officers; calling of second primary or election by court upon finding of defects which render results of primary or election doubtful.**

(a) After hearing the allegations and evidence in the contest, the court shall declare as nominated, elected, or as eligible to compete in a run-off primary or election that qualified candidate who received the requisite number of votes and shall pronounce judgment accordingly; and the clerk shall certify such determination to the proper authority. In the case of a contest involving a question submitted to electors at an election, the court shall pronounce judgment as to whether the same was approved or disapproved; and the clerk shall certify such determination to the defendant.

(b) When a defendant who has received the requisite number of votes for nomination, election, or to compete in a run-off primary or election is determined to be ineligible for the nomination or office sought, the

court shall pronounce judgment declaring the primary or election invalid with regard to such nomination or office and shall call a second primary or election to fill such nomination or office.

(c) If misconduct is complained of on the part of the poll officers of any precinct, it shall not be held sufficient to set aside the contested result unless the rejection of the vote of such precinct would change such result.

(d) Whenever the court trying a contest shall determine that the primary or election is so defective as to the nomination, office, or eligibility in contest as to place in doubt the result of the entire primary or election for such nomination, office, or eligibility, such court shall declare the primary or election to be invalid with regard to such nomination, office, or eligibility and shall call for a second primary or election to be conducted among the same candidates who participated in the original primary or election to fill such nomination or office. (Code 1933, § 34-1708, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1982, p. 1512, § 5; Ga. L. 1987, p. 34, § 1; Ga. L. 1987, p. 1360, § 19; Ga. L. 1991, p. 133, § 1.)

#### **21-2-527.1. Right of parties to object to settlement; court approval.**

No settlement of any case under this article shall become effective unless:

- (1) All parties to such case have been given an opportunity to object to such settlement before the court; and
- (2) The court has approved such settlement. (Code 1981, § 21-2-527.1, enacted by Ga. L. 1987, p. 1050, § 2.)

#### **21-2-528. Appeals from court's determination on contest petition.**

An appeal from the final determination of the court may be taken within ten days from the rendition thereof to the Supreme Court or the Court of Appeals as in other civil cases. Such court shall consider applications for stays or supersedeas in such cases without regard to whether any notice of appeal has been filed or the record docketed in such cases. (Code 1933, § 34-1709, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

#### **21-2-529. Liability for costs; methods of collecting.**

The contestant and the defendant shall be liable to the officers and witnesses for the costs made by them, respectively. If the result of the primary or election is confirmed, the petition dismissed, or the prosecution fails, judgment shall be rendered against the contestant for costs; and, if the judgment is against the defendant or the result of the primary

or election is set aside, he shall pay the costs at the discretion of the court. After entry of judgment, the costs may be collected by attachment or otherwise. (Code 1933, § 34-1710, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

## ARTICLE 14

### SPECIAL ELECTIONS AND PRIMARIES GENERALLY

#### **21-2-540. Conduct of special elections generally.**

(a) Every special election shall be held and conducted in all respects in accordance with the provisions of this chapter relating to general elections; and the provisions of this chapter relating to general elections shall apply thereto insofar as practicable and as not inconsistent with any other provisions of this chapter. All special elections held at the time of a general election, as provided by Code Section 21-2-541, shall be conducted by the poll officers by the use of the same equipment and facilities, so far as practicable, as are used for such general election.

(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.

(c) (1) Notwithstanding any other provision of law to the contrary, a special election to present a question to the voters shall be held only on one of the following dates which is at least 29 days after the date of the call for the special election:

(A) In odd-numbered years any such special election shall only be held on:

(i) The third Tuesday in March;

(ii) The third Tuesday in June;

(iii) The third Tuesday in September; or

(iv) The Tuesday after the first Monday in November; and

(B) In even-numbered years any such special election shall only be held on:

(i) The third Tuesday in March; provided, however, that in the event that a special election is to be held under this division in a year in which a presidential preference primary is to be held, then any such special election shall be held on the date of and in conjunction with the presidential preference primary;

(ii) The date of the general primary;

(iii) The third Tuesday in September; or

(iv) The Tuesday after the first Monday in November.

(2) The provisions of this subsection shall not apply to:

(A) Special elections held pursuant to Chapter 4 of this title, the "Recall Act of 1989"; or

(B) Special primaries or special elections to fill vacancies in public offices.

(d) Except as otherwise provided by this chapter, the superintendent of each county shall publish the call of the special election.

(e) Candidates in special elections 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 name placed in a column under the name of his party. The incumbency of a candidate seeking election for the public office he or she then holds shall be indicated on the ballot. (Code 1933, §§ 34-806, 34-1314, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 308, § 35; Ga. L. 1969, p. 329, § 8A; Ga. L. 1984, p. 1, § 14; Ga. L. 1984, p. 638, § 3; Ga. L. 1986, p. 382, § 6; Ga. L. 1986, p. 1538, § 3; Ga. L. 1991, p. 316, § 1.)

**21-2-541. Holding of special primary or election at time of general primary or election; inclusion of candidates and questions in special primary or election on ballot for general primary or election.**

A special primary or election may be held at the time of a general primary or election. If the times specified for the closing of the registration list for a special primary or election are the same as those for a general primary or election, the candidates and questions in such special primary or election may be included on the ballot for such general primary or election. (Code 1933, § 34-807, enacted by Ga. L. 1973, p. 174, § 1; Ga. L. 1975, p. 808, § 2; Ga. L. 1979, p. 955, § 3.)

**21-2-542. Special election for United States senator vacancy; temporary appointment by Governor.**

Whenever a vacancy shall occur in the representation of this state in the Senate of the United States, such vacancy shall be filled for the unexpired term by the vote of the electors of the state at a special election to be held at the time of the next November election, occurring at least 40 days after the occurrence of such vacancy; and it shall be the duty of the Governor to issue his proclamation for such election. Until such time as the vacancy shall be filled by an election as provided in this Code section, the Governor may make a temporary appointment to fill

such vacancy. (Ga. L. 1913, p. 135; Code 1933, § 34-2403; Code 1933, § 34-803, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-543. Special election for United States congressional representative vacancy.**

Whenever a vacancy shall occur or exist in the office of Representative in the United States Congress from this state the Governor shall issue, within ten days after the occurrence of such vacancy, a writ of election to the Secretary of State for a special election to fill such vacancy, which election shall be held on the date named in the writ, which shall not be less than 30 days after its issuance. Upon receiving the writ of election from the Governor, the Secretary of State shall then transmit the writ of election to the superintendent of each county involved and shall publish the call of the election. (Code 1933, § 34-804, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1984, p. 638, § 1.)

**21-2-544. Special election for General Assembly vacancy.**

Whenever a vacancy shall occur or exist in either house of the General Assembly during a session of the General Assembly or whenever such vacancy shall occur or exist at a time when the members of the General Assembly shall be required to meet, at any time previous to the next November election, the Governor shall issue, within ten days after the occurrence of such vacancy, or after the calling of an extraordinary session of the General Assembly during the existence of such vacancy, a writ of election to the Secretary of State for a special election to fill such vacancy, which election shall be held on the date named in the writ, which shall not be less than 30 nor more than 60 days after its issuance. Upon receiving the writ of election from the Governor, the Secretary of State shall then transmit the writ of election to the superintendent of each county involved and shall publish the call of the election. In all other cases any such special election to fill any such vacancy shall be held if the Governor issues his writ of election therefor. In such cases the writ of election shall be issued to the Secretary of State who shall transmit the writ of election to the superintendent of each county involved and shall publish the call of the election. If a vacancy occurs while the General Assembly is in session and the Governor elects to issue a writ, it shall only be necessary to have one poll open in every county involved, which shall be at the county seat, if only one candidate has qualified for the vacant seat. (Code 1933, § 34-805, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1965, p. 3, § 1; Ga. L. 1970, p. 88, § 1; Ga. L. 1984, p. 638, § 2.)

**21-2-545. Procedure as to unopposed candidates.**

Any other provision of law to the contrary notwithstanding, in the event there is no opposed candidate in a precinct in a special primary, no special primary shall be held in such precinct. The proper officials of the unopposed candidate's political party shall certify him as the party nominee for the office involved for the purpose of having his name placed upon the special election ballots or ballot labels. Where feasible, the superintendent shall provide notice reasonably calculated to inform the affected electorate that no special primary election is to be conducted. Each such unopposed candidate shall be deemed to have voted for himself. The superintendent shall certify any such unopposed candidate as nominated in the same manner as he certifies other candidates nominated pursuant to Code Section 21-2-493. (Code 1981, § 21-2-545, enacted by Ga. L. 1984, p. 1, § 15.)

## ARTICLE 15

## MISCELLANEOUS OFFENSES

**21-2-560. Making of false statements generally.**

Except as otherwise provided in Code Section 21-2-565, any person who shall make a false statement under oath or affirmation regarding any material matter or thing relating to any subject being investigated, heard, determined, or acted upon by any public official, in accordance with this chapter, shall be guilty of a misdemeanor. (Ga. L. 1894, p. 115, § 13; Penal Code 1895, § 625; Penal Code 1910, § 660; Code 1933, § 34-9901; Code 1933, § 34-1901, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-561. False registration.**

Any person who:

- (1) Registers as an elector knowing that he does not possess the qualifications required by law;
  - (2) Registers as an elector under any other name than his own; or
  - (3) Knowingly gives a false residence when registering as an elector
- shall be guilty of a misdemeanor. (Ga. L. 1894, p. 115, § 13; Penal Code 1895, § 625; Penal Code 1910, § 660; Code 1933, § 34-9901; Code 1933, § 34-1902, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-562. Fraudulent entries; unlawful alteration or destruction of entries; unlawful removal of documents; neglect or refusal to deliver documents.**

(a) Any person who willfully:

(1) Inserts or permits to be inserted any fictitious name, false figure, false statement, or other fraudulent entry on or in any registration card, electors list, voter's certificate, affidavit, tally paper, general or duplicate return sheet, statement, certificate, oath, voucher, account, ballot or ballot card, or other record or document authorized or required to be made, used, signed, returned, or preserved for any public purpose in connection with any primary or election;

(2) Alters materially or intentionally destroys any entry which has been lawfully made therein; or

(3) Takes or removes any book, affidavit, return, account, ballot or ballot card, or other document or record from the custody of any person having lawful charge thereof, in order to prevent the same from being used or inspected or copied as required or permitted by this chapter

shall be guilty of a felony.

(b) Any person who willfully neglects or refuses, within the time and in the manner required by this chapter, to deliver any such document described in subsection (a) of this Code section into the custody of the officers who are required by this chapter to use or keep the same shall be guilty of a misdemeanor. (Ga. L. 1958, p. 269, § 46; Code 1933, § 34-1905, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1977, p. 313, § 2.)

**21-2-563. Improper signing or alteration of nomination petitions or affidavits.**

Any person who knowingly and willfully:

(1) Signs any nomination petition without having the qualifications prescribed by this chapter;

(2) Sets any false statement opposite the signature on a nomination petition;

(3) Signs more nomination petitions than permitted by this chapter;

(4) Makes a false statement in any affidavit required by this chapter to be appended to or to accompany a nomination petition;

(5) Signs any name not his own to any nomination petition; or

(6) Materially alters any nomination petition without the consent of the signers

shall be guilty of a felony. (Code 1933, §§ 34-1908, 34-1909, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-564. Willful destruction, fraudulent filing, or suppression of nomination materials.**

Any person who willfully makes any false nomination certificate or defaces or destroys any nomination petition, nomination certificate, or nomination paper, or letter of withdrawal, knowing the same, or any part thereof, to be made falsely, or suppresses any nomination petition, nomination certificate, or nomination paper, or any part thereof, which has been duly filed shall be guilty of a felony. (Code 1933, § 34-1910, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-565. Making of false statements in connection with filing notice of candidacy or qualifying as candidate for party nomination; duties of district attorney as to violations.**

(a) Any person knowingly making any false statement in connection with filing a notice of candidacy under Code Section 21-2-132 or in connection with qualifying as a candidate for party nomination under Code Section 21-2-153 commits the offense of false swearing.

(b) The district attorney of any judicial circuit shall furnish all investigative personnel and facilities to the Secretary of State, the superintendent, or political party, as the case may be, as needed to determine the accuracy and correctness of all facts set forth in the affidavits filed pursuant to Code Sections 21-2-132 and 21-2-153 and shall commence prosecution of any person when it appears that a violation of this Code section has occurred.

(c) Where proper venue of any such prosecution would be in another county, the district attorney whose office conducted the investigation shall forward all evidence and other data to the district attorney of the county where venue is proper; and prosecution shall be commenced by such official. (Code 1933, § 34-1901.1, enacted by Ga. L. 1974, p. 522, § 1; Ga. L. 1976, p. 205, § 2.)

**21-2-566. Interference with primaries and elections generally.**

Any person who:

(1) Willfully prevents or attempts to prevent any poll officer from holding any primary or election under this chapter;

(2) Uses or threatens violence to any poll officer or interrupts or improperly interferes with the execution of his duty;

(3) Willfully blocks or attempts to block the avenue to the door of any polling place;

(4) Uses or threatens violence to any elector to prevent him from voting;

(5) Willfully prepares or presents to any poll officer a fraudulent voter's certificate not signed by the elector whose certificate it purports to be;

(6) Knowingly deposits fraudulent ballots in the ballot box;

(7) Knowingly registers fraudulent votes upon any voting machine; or

(8) Willfully tampers with any electors list, voter's certificate, numbered list of voters, ballot box, voting machine, vote recorder, or tabulating machine

shall be guilty of a felony. (Code 1933, § 34-1924, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1985, p. 206, § 1.)

#### **21-2-567. Intimidation of electors.**

Any person who uses or threatens to use force and violence, or in any other manner intimidates any other person, to:

(1) Vote or refrain from voting at any primary or election, or to vote or refrain from voting for or against any particular candidate or question submitted to electors at such primary or election; or

(2) Place or refrain from placing his name upon a register of electors

shall be guilty of a misdemeanor. (Code 1933, § 34-1934, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

#### **21-2-568. Entry into voting compartment or booth while another voting; interfering with elector; inducing elector to reveal or revealing elector's vote; influencing voter while giving lawful assistance.**

Any person who:

(1) Goes into the voting compartment or voting machine booth while another is voting or marks the ballot or ballot card or registers the vote for another, except in strict accordance with this chapter;

(2) Interferes with any elector marking his ballot or ballot card or registering his vote;

(3) Attempts to induce any elector before depositing his ballot or ballot card to show how he marks or has marked his ballot or ballot card;

(4) While giving lawful assistance to another, attempts to influence the vote of the elector whom he is assisting or marks a ballot or ballot card or registers a vote in any other way than that requested by the voter whom he is assisting; or

(5) Discloses to anyone how another elector voted, except when required to do so in any legal proceeding

shall be guilty of a misdemeanor. (Code 1933, § 34-1926, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1989, p. 1090, § 1.)

### **21-2-569. Interfering with poll officers.**

Any person, including any poll officer, who willfully prevents any poll officer from performing the duties imposed on him by this chapter shall be guilty of a felony. (Code 1933, § 34-1906, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

### **21-2-570. Buying or selling, offering to buy or sell, or participating in the buying and selling of votes.**

Any person who buys or sells, offers to buy or sell, or knowingly participates in the buying or selling of votes at any primary or election shall be guilty of a felony. (Laws 1840, Cobb's 1851 Digest, p. 819; Code 1863, § 4443; Code 1868, § 4485; Code 1873, § 4569; Ga. L. 1880-81, p. 129, § 1; Code 1882, § 4569; Penal Code 1895, § 629; Ga. L. 1904, p. 97, § 1; Ga. L. 1905, p. 111, § 1; Ga. L. 1906, p. 46, § 1; Penal Code 1910, §§ 665, 675; Code 1933, §§ 34-9907, 34-9926; Code 1933, § 34-1933, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

### **21-2-571. Voting by unqualified elector.**

Any person who votes or attempts to vote at any primary or election, knowing that he does not possess all the qualifications of an elector at such primary or election, as required by law, or who votes or attempts to vote at any primary in violation of Code Section 21-2-235 shall be guilty of a misdemeanor. (Code 1933, § 34-1929, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-572. Repeat voting in same primary or election.**

Any person who votes in more than one precinct in the same primary or election or otherwise fraudulently votes more than once at the same primary or election shall be guilty of a felony. (Laws 1833, Cobb's 1851 Digest, p. 819; Laws 1840, Cobb's 1851 Digest, p. 819; Code 1863, § 4442; Code 1868, § 4484; Code 1873, § 4568; Code 1882, § 4568; Penal Code 1895, § 627; Penal Code 1910, § 663; Code 1933, § 34-9904; Code 1933, § 34-1930, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1982, p. 1512, § 5.)

**21-2-573. Absentee voting by unqualified elector.**

Any person who votes or attempts to vote by absentee ballot at any primary or election under Article 10 of this chapter and who is not qualified to vote shall be guilty of a misdemeanor. (Code 1933, § 34-1932, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-574. Unlawful possession of ballots.**

Any person, other than an officer charged by law with the care of ballots or ballot cards or a person entrusted by any such officer with the care of the same for a purpose required by law, who has in his possession outside the polling place any official ballot or ballot card shall be guilty of a felony. (Ga. L. 1949, p. 1291, § 2A; Code 1933, § 34-1912, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-575. Counterfeit ballots, ballot cards, or ballot labels; sample or facsimile ballots.**

(a) Any person who makes, constructs, or has in his possession any counterfeit of an official ballot, ballot card, or ballot label shall be guilty of a felony.

(b) This Code section shall not be applied to facsimile ballots printed and published as an aid to electors in any newspaper generally and regularly circulated within this state, so long as such facsimile ballot is at least 25 percent larger or smaller than the official ballot of which it is a facsimile. This Code section shall not be applied to any sample or facsimile ballots or ballot labels obtained under Code Section 21-2-400. Nothing in this Code section shall be so construed as to prohibit the procurement and distribution of reprints of the said newspaper printings; nor shall it be so construed as to prohibit the preparation and distribution by county election officials of facsimile ballots and ballot labels or portions thereof, provided that they are of a different color and at least 25 percent larger or smaller than the official ballots or ballot labels.

(c) Nothing in this Code section shall be so construed as to prohibit any person from procuring and distributing reprints or portions of reprints of any sample or facsimile ballots or ballot labels as provided in Code Section 21-2-400, provided such reprints or portions of reprints are of a different color and at least 25 percent larger or smaller than the official ballots or ballot labels. (Ga. L. 1949, p. 1291, § 2A; Code 1933, § 34-1913, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 329, § 25; Ga. L. 1980, p. 1256, § 8.)

**21-2-576. Destroying, defacing, or delaying delivery of ballots or ballot cards.**

Any person who willfully destroys or defaces any ballot or ballot card or willfully delays the delivery of any ballots or ballot cards shall be guilty of a misdemeanor. (Code 1933, § 34-1914, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-577. Improper removal of ballots from book of official ballots.**

Any person removing any ballot from any book of official ballots, except in the manner provided by this chapter, shall be guilty of a misdemeanor. (Code 1933, § 34-1931, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-578. Unfolding, opening, or prying into ballots and ballot cards.**

Any person who, before any ballot or ballot card is deposited in the ballot box as provided by this chapter, willfully unfolds, opens, or pries into any such ballot or ballot card with the intent to discover the manner in which the same has been marked shall be guilty of a misdemeanor. (Code 1933, § 34-1923, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-579. Fraudulently allowing ballot, ballot card, or voting machine to be seen; casting unofficial ballot; receiving unauthorized assistance in voting.**

Any voter at any primary or election who:

(1) Allows his ballot, ballot card, or the face of the voting machine used by him to be seen by any person with the apparent intention of letting it be known for a fraudulent purpose how he is about to vote;

(2) Casts or attempts to cast any other than the official ballot or ballot card which has been given to him by the proper poll officer, or advises or procures another to do so;

(3) Without having made the affirmation under oath or declaration required by Code Section 21-2-409, or when the disability which he

declared at the time of registration no longer exists, permits another to accompany him into the voting compartment or voting machine booth or to mark his ballot or ballot card or to register his vote on the voting machine or vote recorder; or

(4) States falsely to any poll officer that because of his inability to read the English language or because of blindness, near-blindness, or other physical disability he cannot mark the ballot or ballot card or operate the voting machine without assistance

shall be guilty of a misdemeanor. (Code 1933, § 34-1925, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1989, p. 911, § 2.)

**21-2-580. Tampering with, damaging, improper preparation of, or prevention of proper operation of voting machines.**

Any person who:

(1) Unlawfully opens, tampers with, or damages any voting machine to be used or being used at any primary or election;

(2) Willfully prepares a voting machine for use in a primary or election in improper order for voting; or

(3) Prevents or attempts to prevent the correct operation of such machine

shall be guilty of a felony. (Code 1933, § 34-1915, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-581. Unauthorized making or possession of voting machine key.**

Any unauthorized person who makes or knowingly has in his possession a key to a voting machine to be used or being used in any primary or election shall be guilty of a felony. (Code 1933, § 34-1916, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-582. Tampering with, damaging, or preventing of proper operation of vote recorders or tabulating machines.**

Any person who tampers with or damages any vote recorder or tabulating machine to be used or being used at or in connection with any primary or election or who prevents or attempts to prevent the correct operation of any vote recorder or tabulating machine shall be guilty of a felony. (Code 1933, § 34-1917, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-583. Removal or destruction of election supplies or conveniences.**

Any person who:

(1) Prior to any primary or election, willfully defaces, removes, or destroys any notice or list of candidates posted in accordance with this chapter;

(2) During any primary or election, willfully defaces, tears down, removes, or destroys any card of instructions, notice of penalties, or diagram printed or posted for the instruction of electors; or

(3) During any primary or election, willfully removes or destroys any of the supplies or conveniences furnished to any polling place in order to enable electors to vote or the poll officers to perform their duties

shall be guilty of a misdemeanor. (Code 1933, § 34-1918, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-584. Refusal or failure of manager to administer oath to poll officer; poll officer acting without being sworn; giving of false certification as to swearing of poll officer.**

If any manager refuses or willfully fails to administer the oath to the poll officer in the manner required by this chapter, or if any poll officer shall knowingly act without being first duly sworn, or if any such person shall sign the written form of oath without being duly sworn, or if any manager or any other person authorized to administer oaths shall certify that any such person was sworn when he was not, he shall be guilty of a misdemeanor. (Code 1933, § 34-1907, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-585. Refusal by superintendent or his employee to permit public inspection of documents; removal, destruction, or alteration of documents.**

(a) Any superintendent, or employee of his office who willfully refuses to permit the public inspection or copying, in accordance with this chapter, of any general or duplicate return sheet, tally paper, affidavit, petition, certificate, paper, account, contract, report, or any other document or record in his custody, or who willfully removes any such document or record from his office during said period, or who permits the same to be removed, except pursuant to the direction of any competent authority, shall be guilty of a misdemeanor.

(b) Any superintendent or employee of his office who willfully destroys or alters, or permits to be destroyed or altered, any document

described in subsection (a) of this Code section during the period for which the same is required to be kept shall be guilty of a felony. (Code 1933, § 34-1904, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-586. Refusal by Secretary of State or his employee to permit public inspection of documents; removal, destruction, or alteration of documents.**

(a) If the Secretary of State or any employee of his office willfully refuses to permit the public inspection or copying, in accordance with this chapter, of any return, petition, certificate, paper, account, contract, report, or any other document or record in his custody, except when in use, or willfully removes any such document or record from his office during such period or permits the same to be removed, except pursuant to the direction of competent authority, the Secretary of State or employee of his office shall be guilty of a misdemeanor.

(b) If the Secretary of State or any employee of his office willfully destroys, alters, or permits to be destroyed or altered any document described in subsection (a) of this Code section during the period for which the same is required to be kept in his office, the Secretary of State or employee of his office shall be guilty of a felony. (Code 1933, § 34-1903, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-587. Frauds by poll officers.**

Any poll officer who willfully:

- (1) Makes a false return of the votes cast at any primary or election;
- (2) Deposits fraudulent ballots or ballot cards in the ballot box or certifies as correct a false return of ballots or ballot cards;
- (3) Registers fraudulent votes upon any voting machine or certifies as correct a return of fraudulent votes cast upon any voting machine;
- (4) Makes any false entries in the electors list;
- (5) Destroys or alters any ballot, ballot card, voter's certificate, or electors list;
- (6) Tampers with any voting machine, vote recorder, or tabulating machine;
- (7) Prepares or files any false voter's certificate not prepared by or for an elector actually voting at such primary or election; or
- (8) Fails to return to the officials prescribed by this chapter, following any primary or election, any keys of a voting machine, ballot box, general or duplicate return sheet, tally paper, oaths of poll officers,

affidavits of electors and others, record of assisted voters, numbered list of voters, electors list, voter's certificate, unused, spoiled, and canceled ballots or ballot cards, ballots or ballot cards deposited, written, or affixed in or upon a voting machine, or any certificate, or any other paper or record required to be returned under this chapter

shall be guilty of a felony. (Orig. Code 1863, § 1238; Code 1868, § 1319; Code 1873, § 1292; Code 1882, § 1292; Civil Code 1895, § 74; Civil Code 1910, § 84; Code 1933, § 34-1501; Code 1933, § 34-1921, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1985, p. 206, § 1.)

**21-2-588. Premature counting of votes by poll officer.**

Any poll officer who counts any votes before the close of the polls or before the last person has voted, whichever occurs later in time, on the day of any primary or election shall be guilty of a misdemeanor. (Code 1933, § 34-1939, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-589. Willful omissions by poll officers.**

Any poll officer who willfully:

- (1) Fails to file the voter's certificate of any elector actually voting at any primary or election;
- (2) Fails to record voting information as required by this chapter; or
- (3) Fails to insert in the numbered list of voters the name of any person actually voting

shall be guilty of a misdemeanor. (Code 1933, § 34-1922, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-590. Poll officer permitting unregistered or unqualified persons to vote; refusing to permit registered and qualified persons to vote; unlawful rendering of assistance.**

Any poll officer who:

- (1) Permits any unregistered person to vote at any primary or election, knowing such person is unregistered;
- (2) Permits any person registered as an elector, to vote, knowing that such person is not qualified to vote, whether or not such person has been challenged;
- (3) Refuses to permit any duly registered and qualified person to vote at any primary or election, with the knowledge that such person is entitled to vote; or

(4) Renders assistance to an elector in voting in violation of Code Section 21-2-409, or knowingly permits another person to render such assistance in violation of Code Section 21-2-409

shall be guilty of a misdemeanor. (Code 1933, § 34-1920, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-591. Poll officers permitting unlawful assistance to voters.**

Any poll officer who permits a voter to be accompanied by another into the voting compartment or voting machine booth when such poll officer knows that the disability which the voter declared at the time of registration no longer exists or that the disability which the voter declared at the time of voting did not exist shall be guilty of a misdemeanor. (Code 1933, § 34-1927, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-592. Failure of poll officers to keep record of assisted voters.**

Any poll officer who willfully fails to keep a record, as required by Code Section 21-2-409, of the name of each voter who received assistance, the exact disability of any assisted voter which makes the assistance necessary, and the name of each person rendering assistance to a voter shall be guilty of a misdemeanor. (Code 1933, § 34-1928, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-593. Neglect or refusal by law enforcement officers to remove obstacles from entrances to polling places or to maintain order and quell disturbances at polling places; hindrance or delay of poll officers by law enforcement officers.**

Any law enforcement officer who:

(1) Willfully neglects or refuses to clear an avenue to the door of any polling place which is obstructed in such a way as to prevent electors from entering, when called upon to do so by any poll officer or elector of the precinct;

(2) Willfully neglects or refuses to maintain order and quell any disturbance if such arises at any polling place upon the day of any primary or election, when called upon to do so by any poll officer or elector of the precinct; or

(3) Willfully hinders or delays, or attempts to hinder or delay, any poll officer in the performance of any duty under this chapter

shall be guilty of a misdemeanor. (Code 1933, § 34-1919, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1982, p. 1512, § 5.)

**21-2-594. Offenses by printers of ballots.**

Any printer employed to print any official ballots or ballot cards for use in a primary or election, or any person engaged in printing the same, who:

(1) Appropriates to himself or gives or delivers, or knowingly permits to be taken, any of said ballots or ballot cards by any unauthorized person; or

(2) Willfully and knowingly prints, or causes to be printed, any official ballot or ballot cards in any form other than that prescribed by the appropriate officials or with any other names or printing, or with the names spelled otherwise than as directed by such officials or the names or printing thereon arranged in any other way than that authorized and directed by this chapter

shall be guilty of a felony. (Ga. L. 1922, p. 97, § 6; Code 1933, §§ 34-1907, 34-9917; Code 1933, § 34-1911, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1983, p. 140, § 1.)

**21-2-595. Sale, etc., of alcoholic beverages on primary or election days.**

Reserved. Repealed by Ga. L. 1984, p. 1688, § 2, effective July 1, 1984.

**21-2-596. Failure of public or political officer to perform duty.**

Any public officer or any officer of a political party or body on whom a duty is laid by this chapter who willfully neglects or refuses to perform his duty shall be guilty of a misdemeanor. (Code 1933, § 34-1935, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-597. Intentional interference with performance of election duties.**

Any person who intentionally interferes with, hinders, or delays or attempts to interfere with, hinder, or delay any other person in the performance of any act or duty authorized or imposed by this chapter shall be guilty of a misdemeanor. (Code 1933, § 34-1936, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-598. Punishment for misdemeanors under chapter.**

Any person convicted of a misdemeanor under this chapter shall be subject to any one or more of the following, in the discretion of the trial judge:

- (1) A fine of not less than \$100.00 nor more than \$1,000.00;
- (2) A sentence of confinement in the county jail or other place of imprisonment for a period not to exceed six months; or
- (3) A sentence of confinement in a county correctional institution or other appropriate institution under the jurisdiction of the Department of Corrections not to exceed 12 months. (Code 1933, § 34-1941, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1977, p. 1053, § 11; Ga. L. 1985, p. 283, § 1.)

**21-2-599. Punishment for felonies under chapter.**

Any person convicted of a felony under this chapter shall be punished by a fine not to exceed \$2,000.00 or imprisonment of not less than one year nor more than three years, or both, in the discretion of the trial court, or may be punished as for a misdemeanor in the discretion of the trial court. (Code 1933, § 34-1940, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1.)

**21-2-600. Use of list of electors for commercial purposes prohibited.**

Any person who intentionally uses the list of electors provided for in Code Section 21-2-234 for commercial purposes shall be guilty of a misdemeanor. (Code 1981, § 21-2-600, enacted by Ga. L. 1990, p. 143, § 7.)

ELECTIONS AND PRIMARIES GENERALLY

**NOTICE TO RULES OF STATE ELECTION BOARD**

This edition of the Rules and Regulations of the State Election Board contains an amendment to which the Attorney General of the United States has filed an objection pursuant to Section 5 of the Voting Rights Act of 1965. Therefore, the provisions of that amendment are unenforceable and the previous Rules remain in effect.

The correct text of the affected Rules is as follows:

“Rule 183-1-6-.03(4):

“(a) Each county shall designate a number of additional registration places which shall be equal to the whole number, without regard to rounding fractions, which results from dividing the voting age population of the county by 10,000. For example, in a county of 23,000 persons of voting age, two additional places shall be required. In any event, there shall not be less than two additional places required.

\* \* \*

“(e) During the times other than the six months prior to the close of registration for the November general election in each even-numbered year, in counties in which less than 75% of the voting age population of the county as determined by the last decennial census is registered to vote, each additional registration place established pursuant to this rule shall be open at least one Saturday each month on a regular basis for at least three consecutive hours.”

ELECTIONS

**RULES  
OF  
STATE ELECTION BOARD  
183-1 GEORGIA ELECTION CODE**

**CHAPTERS**

183-1-1.	PRELIMINARY PROVISIONS	RESERVED
183-1-2.	STATE ELECTION BOARD	RESERVED
183-1-3.	SECRETARY OF STATE	RESERVED
183-1-4.	ORDINARIES	RESERVED
183-1-5.	POLL OFFICERS	RESERVED
183-1-6.	REGISTRATION OF ELECTORS	
183-1-7.	ELECTION DISTRICTS AND POLLING PLACES	
183-1-8.	DATES OF PRIMARIES AND ELECTIONS	
183-1-9.	POLITICAL PARTIES AND BODIES	RESERVED
183-1-10.	NOMINATION OF CANDIDATES	RESERVED
183-1-11.	BALLOTS	
183-1-12.	VOTING MACHINES — VOTE RECORDERS	
183-1-13.	PREPARATION FOR AND CONDUCT OF PRIMARIES AND ELECTIONS	
183-1-14.	ABSENTEE VOTING	
183-1-15.	RETURNS OF PRIMARIES AND ELECTIONS	
183-1-16.	ELECTORAL COLLEGE	RESERVED
183-1-17.	CONTESTED PRIMARIES AND ELECTIONS	RESERVED
183-1-18.	CONGRESSIONAL DISTRICTS	RESERVED
183-1-19.	PENALTIES	RESERVED
183-1-20.	REPEALED	RESERVED

**CHAPTER 183-1-6**

**REGISTRATION OF ELECTORS**

TABLE OF CONTENTS

Rule	Rule
183-1-6-.01. Repealed	183-1-6-.04. Accessibility for Elderly and Handicapped Voters
183-1-6-.02. Duplicate Voting Procedure for Checking	183-1-6-.05. Registration of Persons by College Presidents or Their Designees
183-1-6-.03. Rules and Regulations for Voter Registration	

**183-1-6-01. Repealed.**

Authority Ga. L. 1964, Extra Sess. pp. 26, 35, as amended (Ga Code Ann. Sec. 34-202). **History.** Original Rule entitled "Special Registration for New (30 day) Residents" was filed on July 24, 1968; effective August 12, 1968. **Amended:** Filed August 5, 1969; effective August 24, 1969. **Amended:** Rule repealed and a new Rule entitled "Special 14-day Registration" adopted. Filed June 24, 1975; effective July 14, 1974. **Amended:** Rule repealed. Filed October 20, 1975; effective November 9, 1975. **Amended:** Emergency Rule 183-1-6-0.1-.01 entitled "Proper Identification for Registration" was filed and effective on May 20, 1982 to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matters superseding said Emergency Rule, as specified by the Agency (Emergency Rule 183-1-6-0.1-.01 expired on September 13, 1983). **Amended:** Rule entitled "Proper Identification for Registration" adopted. Filed March 29, 1983; effective April 18, 1983. **Amended:** Rule repealed. Filed March 6, 1987; effective March 26, 1987.

**183-1-6-02. Duplicate Voting Procedure for Checking. Amended.**

In counties where electors residing in other precincts may cast their votes in a central location in the county (See O.C.G.A. Section 21-2-238), the Board of Registrars will check the list of those voting in the central location against the lists of those voting in other precincts and will report to the State Election Board cases of duplicate voting.

Authority O.C.G.A. Sec. 21-2-31(a)(2). **History.** Original Rules entitled "Duplicate Voting Procedure for Checking" was filed on July 24, 1968; effective August 12, 1968. **Amended:** Filed August 5, 1969; effective August 24, 1969. **Amended:** Filed March 6, 1987; effective March 26, 1987.

**183-1-6-03. Rules and Regulations for Voter Registration. Amended.**

(1) **INTENT AND PURPOSE.** These rules are promulgated pursuant to the authority granted the State Election Board by Georgia Laws 1984, p. 1430 (O.C.G.A. Section 21-2-218(g) and by Georgia Laws 1968, p. 862, (O.C.G.A. Section 21-2-31). It is the intent of the State Election Board to increase the level of participation in the elective process in the State of Georgia by encouraging the registration of voters within the State. It is the intent and purpose of the State Election Board, within the parameters of the law, to make voter registration in Georgia as convenient and as easy as practicable while retaining the necessary controls to prevent abuse of the system and fraud in the elective process. To this end, the State Election Board has promulgated these rules and regulations. However, nothing in these rules shall supersede the ultimate authority of local boards in selecting additional voter registration sites as set forth in O.C.G.A. Section 21-2-218(g).

(2) **CRITERIA FOR APPOINTMENT OF DEPUTY REGISTRARS.** The board of registrars in each county shall appoint deputy registrars to aid them in the discharge of their duties. The number of deputy regis-

trars appointed to serve shall be determined by the board of registrars, except that additional registrars shall be appointed as would reasonably be required to afford qualified citizens an opportunity to register to vote. The board of registrars shall select persons who are reasonably representative of a cross-section of significantly identifiable racial groups of the communities or areas where they are to serve.

(a) Such groups shall be reasonably represented when the percentage of deputy registrars who are members of identifiable racial groups as compared to the total deputy registrar population approximates the percentage of members of those identifiable racial groups within the total population of the county to be served. Nothing in this Rule shall require the board of registrars to cease the appointment of persons on account of race, to remove deputy registrars, or to maintain a strict numerical balance or quota.

(b) Deputy registrars appointed by each county board of registrars shall meet the following qualifications:

1. be a registered voter;
2. be a resident of the county;
3. be able to read, write and speak the English language;
4. have legible handwriting unless the voter registration cards are to be completed by typewriter;
5. satisfactorily complete such training as shall be required by the board of registrars [See 3(1)];
6. not have been convicted or sentenced, under the laws of this State, any other state, or the United States, in any court of competent jurisdiction, for fraudulent violation of primary or election laws, malfeasance in office, or felony involving moral turpitude, unless such person's civil rights have been restored;
7. not be a candidate for nomination or election to any office except as allowed by O.C.G.A. § 21-2-213(a); and
8. not have been removed as a deputy registrar for improper conduct in the performance of the duties of deputy registrar.

(c) Deputy registrars shall not engage in political activity on behalf of a candidate, political party or body, or question while actually conducting the duties of their office. While conducting the duties of their office, each person serving as a deputy voter registrar may, but is not required to, wear a badge or display identification which shall state no more than the person's name and the fact that the person is a deputy voter registrar of the county. There shall be available for inspection, upon request to

verify the authority of the persons involved, the names of the authorized deputy voter registrars serving at the site.

(d) The following activities shall subject a deputy registrar to immediate revocation of appointment as a deputy registrar:

1. registering voters at unapproved sites, times, and hours, including door to door registration;
2. intoxication while on duty;
3. falsification of registration records;
4. improper handling of registration cards;
5. engaging in any communication that advocates or criticizes a particular candidate, office holder, or political party or body while on duty, such as making verbal statements; wearing badges, buttons, or clothing with partisan messages; and distributing campaign literature. However, deputy registrars may identify themselves as deputy registrars of the county by wearing the badges or displaying the identification described in paragraph (c) above.

(e) The following activity shall subject a deputy registrar to a written reprimand and to revocation of appointment if the conduct is repeated after receipt of the reprimand:

1. Failure to appear or remain at the deputy registrar's assigned site at or during the assigned hours without adequate notice to the board of registrars or without a proper replacement.

**(3) CRITERIA FOR ESTABLISHMENT OF ADDITIONAL VOTER REGISTRATION PLACES:**

(a) The Board of Registrars, in addition to its main office, shall designate other fixed places throughout the county as would be reasonably necessary to receive applications for registration and for the registration of electors.

(b) Such additional registration places shall be located in facilities which are open to and frequented by the general public. No place may be used for an additional registration unless the general public is freely admitted without regard to race, color, creed, or national origin.

(c) Churches which are open to all persons and which are, in fact, attended for any purpose by persons who are not members of the church shall be considered to be open to and frequented by the general public.

(d) The offices or facilities of community, civic, service, social, civil rights, patriotic, fraternal, and labor organizations shall be considered to be open to and frequented by the general public if non-members of the

organization in fact attend various activities sponsored by the organization at its offices and facilities and such offices or facilities are open to all persons. However, offices or facilities of political parties or bodies shall not be used as additional voter registration places.

(e) The fact that a facility is used primarily or exclusively by the general public of one race or ethnic group or socioeconomic group shall not, for that reason alone, bar its designation as a registration place.

(f) When employers or business owners request the use of their place of business as a registration place, registration shall be conducted only in that part of the place of business which is open to the general public. Such part of the place of business shall be considered to be open to and frequented by the general public if it is an area which is maintained for use by the general public and is known to serve the general public for the purpose of conducting business or engaging in other transactions with the business.

(g) Organizations, employers, offices, and businesses that register voters at their facilities shall not limit registration to their members, employees, or customers, but must register any qualified applicant.

(h) Registration of voters shall be prohibited in places where alcoholic beverages are consumed.

(i) No registration of voters shall take place where criminal activities are permitted to occur.

(j) Registration places may be established on a temporary or permanent basis. Permanent places are those which operate on a fixed schedule for an indefinite period of time. Temporary places are those which operate on a temporary schedule and, among other things, may be used in voter registration drives.

1. The deputy registrars appointed by the board of registrars who staff registration places may be unpaid volunteers, employees of the board of registrars, or employees of government offices or of private businesses.

(k) Persons acting as individuals or as representatives of organizations and businesses may request the establishment of additional voter registration places. The board of registrars shall consider such requests.

1. If the request is approved, the board of registrars shall make provisions for having a deputy registrar who has been appointed by the board of registrars available at the additional voter registration places at all times which have been designated by the board of registrars and which have been precleared by the United States Department of Justice for the purpose of voter registration. The board of registrars shall inform such persons that registration may be conducted only at such times as are

designated by the board of registrars, precleared by the United States Department of Justice, and advertised as required by law.

(l) The board of registrars shall retain the ultimate responsibility for the submission of additional registration places, dates, and times to the United States Department of Justice for preclearance pursuant to the Voting Rights Act of 1965 and for the advertising of registration places as required by law. The board of registrars shall also retain the ultimate responsibility for the appointment and training of deputy registrars, the proper conduct of voter registration, and the security of blank and completed registration cards; but the board of registrars may use deputy registrars to assist them in carrying out these duties.

(m) The board of registrars shall instruct deputy registrars in the law and procedure for registration prior to the administration of the oath of office to the deputy registrars. Such training shall include the duties and obligations of deputy registrars, the proper completion of registration cards, the proper security of registration cards, the protection of the integrity of the registration process, and the taking of oaths of registrants and the procedures for appeal upon rejection of the applications for registration.

(n) The Secretary of State shall provide the board of registrars of each county brochures for the use of deputy registrars which include simple instructions on the rules and procedures for the proper conduct of voter registration. The form and content of these brochures shall be determined by the Secretary of State. The board of registrars shall provide each deputy registrar with a copy of the brochure.

(o) In order to ensure that the same degree of supervision and security provided at the main office of the board of registrars to prevent voter registration irregularities is maintained for the additional voter registration places, the following rules shall apply:

1. Blank registration cards may be maintained only by registrars and deputy registrars and only:

(i) at the main office of the board of registrars;

(ii) in transit to and from the additional registration places in the possession of a registrar or deputy registrar;

(iii) at the additional voter registration place during the hours of operation; and

(iv) at the additional voter registration place overnight if the voter registration place has in the judgment of the board of registrars the same degree of supervision and security as the main office of the board of registrars.

2. Completed registration cards may be maintained only by registrars and deputy registrars and only:

(i) at the additional voter registration place during the hours of operation;

(ii) in transit to the main office of the board of registrars in the possession of a registrar or deputy registrar;

(iii) at the main office of the board of registrars; and

(iv) at permanent additional voter registration places overnight but not beyond the end of the next business day.

3. Transit time shall be kept at a minimum. The early issuance of blank registration cards prior to a weekend registration drive shall not be permitted unless the additional voter registration place has the requisite provision and security for the storage of the blank registration cards. Neither blank nor completed registration cards may be kept at any time in a private residence.

4. In no event shall blank registration cards be disseminated, distributed, or otherwise used for the purpose of completion of said cards other than at an authorized voter registration place during authorized hours by authorized registrars and deputy registrars.

(p) The board of registrars should identify and establish additional voter registration places where the public congregates for commerce, recreation, worship, education, employment, and other such purposes which are most likely to facilitate registration and suit the convenience of the general public throughout the county. These places should be open at hours to suit the convenience of the general public including times other than the regular hours of the main office of the board of registrars. (See Minimum Requirements.)

(q) Wherever practicable, the Board of Registrars should fully utilize federal, state, county, and municipal offices located within the county which are open during regular business hours and other hours for the purpose of taking voter registration applications.

(r) All additional voter registration sites which are staffed by volunteer deputy registrars shall have prominently displayed a sign, placard, or banner which shall state that voter registration at that location is being conducted under the authority of the Board of Registrars of the county or, in counties in which the duties of the Board of Registrars are performed by Boards of Election, the county Board of Elections. If the volunteer deputy registrars are provided by an organization, club, or other group, the sign, placard, or banner may also identify the organization, club, or group providing the volunteer deputy registrars. The language contained on the sign, placard, or banner shall conform substan-

tially to the following: 'Voter registration at this location is being conducted under the authority of the Board of (Registrars or Elections) of \_\_\_\_\_ County. The volunteer deputy registrars at this location are provided by \_\_\_\_\_.'

4. **MINIMUM REQUIREMENTS.** In order to meet the requirements of O.C.G.A. § 21-2-218(b) which requires the board of registrars in each county, in addition to the main office, to designate other fixed places throughout the county as would be reasonably necessary to receive applications for registration and for the registration of electors, and, in order to meet the provisions of O.C.G.A. § 21-2-218(e) that the main office of the board of registrars, or such other offices, shall be open at such designated times other than normal business hours as shall reasonably be necessary to facilitate registration and at such other hours as would suit the convenience of the public, all counties in Georgia shall meet the following basic minimum requirements for additional registration sites:

(a) Each county shall designate a number of additional registration places which shall be equal to the whole number, without regard to rounding fractions, which results from dividing the voting age population of the county by 10,000. For example, in a county of 23,000 persons of voting age, two additional places shall be required. In any event, there shall not be less than two additional places required.

(b) In the six months prior to the close of registration for the November general election in each even-numbered year, in counties in which less than 50% of the voting age population of the county as determined by the last decennial census is registered to vote, each additional voter registration place established pursuant to this Rule shall be open at least each Saturday for four consecutive hours on a regular basis and either one weekday evening each week for two consecutive hours on a regular basis between the hours of 6:00 p.m. and 10:00 p.m. or each Sunday for four consecutive hours on a regular basis.

(c) In the six months prior to the close of registration for the November general election in each even-numbered year, in counties in which not less than 50% and not more than 75% of the voting age population of the county as determined by the last decennial census is registered to vote, each additional voter registration place established pursuant to this Rule shall be open at least two Saturdays each month for four consecutive hours on a regular basis and either two weekday evenings each month for two consecutive hours on a regular basis between the hours of 6:00 p.m. and 10:00 p.m. or two Sundays each month for four consecutive hours on a regular basis.

(d) In the six months prior to the close of registration for the November general election in each even-numbered year, in counties in which not less than 75% of the voting age population of the county as deter-

mined by the last decennial census is registered to vote, each additional voter registration place established pursuant to this Rule shall be open at least one Saturday each month for four consecutive hours on a regular basis and either one weekday evening each month for two consecutive hours on a regular basis between the hours of 6:00 p.m. and 10:00 p.m. or one Sunday each month for four consecutive hours on a regular basis.

(e) During the times other than the six months prior to the close of registration for the November general election in each even-numbered year, in counties in which less than 75% of the voting age population of the county as determined by the last decennial census is registered to vote, each additional registration place established pursuant to this Rule shall be open at least one Saturday each month on a regular basis for at least three consecutive hours.

(f) These additional voter registration places shall be in addition to the voter registration places at the main office of the board of registrars, the office of the tax commissioner, and the city halls of the various municipalities within the county. High schools and vocational-technical schools in which only students and employees of the schools may register to vote shall not be counted as additional registration places. However, if the high school or vocational-technical school is allowed to register all eligible persons in the county, the school may be counted as an additional registration place as contemplated by this Rule.

(g) Counties may apply for a waiver from the State Election Board from the above requirements if the population figures shown in the last decennial census of the voting age population of this county are, for some demonstrable reason not reflective of the number persons eligible to register to vote in that county (e.g. large number of military personnel, large collegiate body population, etc.). The State Election Board may grant a waiver to the above requirements and may place the county in the population bracket which reflects the proper percentage of the registered eligible voters within the county.

(h) No waiver of the requirements of these rules shall be granted based upon a lack of trained deputy registrars within the county.

(i) Boards of registrars may apply for and receive a waiver from the State Election Board, in whole or in part, from the above requirements if reasonable and good faith budgetary problems, demonstrated to the satisfaction of the State Election Board, make implementation of the minimum requirements impracticable. This waiver, when granted, shall be effective until July 1, 1985. After July 1, 1985, no waiver shall be granted for budgetary problems.

## 5. INITIAL IMPLEMENTATION:

(a) Within ten days after the preclearance of these rules by the United States Justice Department, the Secretary of State shall send to the chief registrar of each county a copy of these rules along with any explanatory materials the Secretary of State deems appropriate.

(b) Within 45 days after the preclearance of these rules by the United States Justice Department, each county shall submit to the Secretary of State a plan for compliance with these rules.

(c) Within 60 days after the preclearance of these rules by the United States Justice Department, the staff of the Secretary of State shall complete their review of the plans submitted by each county and shall recommend to the State Election Board to accept or to reject the plan submitted.

(d) Within 90 days after the preclearance of these rules by the United States Justice Department, the State Election Board shall meet and approve or reject the plans submitted by the counties.

(e) If a county's plans are rejected by the State Election Board, the county shall be notified of the deficiency in its plans in writing by certified mail return receipt requested and shall be given 15 days from receipt of the notice to submit an amended plan. Within 15 days of the receipt of the amended plan, the staff of the Secretary of State shall recommend to the State Election Board to either accept or reject the amended plan. As soon as possible thereafter, the State Election Board shall meet and either approve or reject the amended plans. If the State Election Board rejects the amended plan or if the county does not timely submit an amended plan, the State Election Board shall take such steps as necessary to cause the county to comply with these rules.

**6. OPERATIONAL REQUIREMENTS.** Each county shall submit by January 31 of each year an updated plan for compliance with these rules. The updated plan shall include a listing of the current number and location of additional voter registration places within the county, the number of registered voters currently in the county, the number of deputy registrars appointed, the racial composition of deputy registrars, and such other information as the Secretary of State shall require.

## 7. ENFORCEMENT:

(a) Upon the filing with the Secretary of State of a complaint concerning an alleged violation of these rules, the staff of the Secretary of State shall investigate and make a determination whether the complaint is founded. All records and documents necessary to conduct this investigation shall be made available to the staff of the Secretary of State by the board of registrars or election superintendent. If the complaint is not

founded, no further action shall be taken. If it appears that the complaint is founded, the staff of the Secretary of State shall attempt to resolve the problem with the county informally.

(b) If informal resolution is unsuccessful, the staff of the Secretary of State shall immediately report the violation to the State Election Board. Upon receiving the report, the State Election Board shall take such steps which in its discretion are necessary to cause the county to comply with these rules, including, but not limited to, administrative hearings, authorization of civil action by the Attorney General, and referral to the district attorney of the appropriate judicial circuit for criminal prosecution.

(8) **EVALUATION.** Each county shall submit on a regular basis such information as the Secretary of State shall specify in order to evaluate the cost and effectiveness of these rules.

Authority Ga. L. 1984, p. 1430 (O.C.G.A. Sec. 21-2-218); Ga. L. 1968, p. 862 (O.C.G.A. Sec. 21-2-31). **Administrative History.** Original Rule entitled "Rules and Regulations for Voter Registration" was filed on January 22, 1985; effective February 11, 1985. **Amended:** Filed January 21, 1988; effective February 10, 1988. **Amended:** f. Apr. 10, 1989; eff. Apr. 30, 1989.

**183-1-6-.04. Accessibility for Elderly and Handicapped Voters. Amended.**

(1) **Preamble.** In order to implement the provisions of the Voting Accessibility for the Elderly and Handicapped Act (P.L. 98-435), the State Election Board promulgates the following rules and regulations.

(2) **Definitions.** As used in this Rule, the terms:

(a) "Accessible" shall mean that a facility has a continuous unobstructed path connecting the parking area and the area within the facility which is being used for voting or voter registration, whichever the case may be, which complies with the relevant provisions of Sections 3 and 4 of American National Standards Institute specifications A117.1-1980 for making buildings and facilities accessible to and usable by physically handicapped individuals.

(b) "Elderly" shall mean persons 65 years of age or older.

(c) "Handicapped" shall mean a temporary or permanent physical disability.

(d) "Polling place" means the room provided in each precinct for voting at a primary or election.

(e) "Registration place" shall mean any place, either temporary or permanent, designated by the registrars of a county or municipality as a place to be used for voter registration.

(3) **Polling Places.** All polling places in the State of Georgia shall be accessible to handicapped and elderly electors.

(4) **Registration Places.**

(a) A reasonable number of registration places in each county and municipality shall be accessible to handicapped and elderly voters. The board of registrars shall determine, based upon the conditions and needs of the county or municipality, how many accessible registration places are needed.

(b) Notwithstanding the above provisions, each county shall at a minimum have two registration places which are accessible to handicapped and elderly electors. One of these places shall be the main office of the board of registrars and one place shall be a permanent additional registration place which is open a reasonable number of hours beyond normal business hours.

(5) **Implementation.**

(a) **Polling Places.** The election superintendent of each county and municipality shall conduct, or cause to be conducted, an on-site inspection of each polling place located within the county or municipality to determine if the polling place is accessible. This inspection shall be reported to the Secretary of State on forms prepared by the Secretary of State at such times as the Secretary of State shall prescribe. Any polling place found not to be accessible shall either be made accessible prior to its use in a primary or election or shall not be used as a polling place.

(b) **Registration Places.** The board of registrars of each county and municipality shall report to the Secretary of State by April 1 of each year the number and location of all accessible registration sites located within the respective county or municipality.

(6) **Waivers.**

(a) No waiver shall be granted for polling places which are not accessible.

(b) If the main office of the board of registrars of a county is not accessible and cannot be made accessible without considerable difficulty, the board of registrars may, upon the approval of the State Election Board, substitute another centrally located registration place which is open during normal business hours in lieu of the main office of the board of registrars.

(7) **Printed Instructions.** The Secretary of State shall provide instructions for use by the election superintendents at polling places and regis-

trars at voter registration places, printed in large type, to assist visually and hearing impaired electors in voting and registering to vote.

**(8) Notice and Advertisement.**

(a) Each election superintendent shall mark or cause to be marked in a prominent manner the accessible path for elderly and handicapped voters at all polling places.

(b) Each board of registrars shall mark or cause to be marked in a prominent manner each voter registration place that is accessible and the accessible path to reach the registration place.

(c) The display of the international handicapped access symbol shall be sufficient marking of a polling place or voter registration place if the symbol is of a size and is located such that it can easily be seen by the public and if the accessible path from the parking area to the polling place or voter registration place is the same as the path used by non-handicapped persons.

(d) Election superintendents and boards of registrars shall take reasonable steps to inform handicapped and elderly electors of the availability of accessible polling places and registration places.

**(9) Voting Aids.** The election superintendent of each county and municipality shall provide at least one magnifying glass at each polling place during each primary and election for use by visually impaired electors.

(10) If the voting equipment is not accessible to a handicapped voter, the handicapped voter shall be permitted to use a paper ballot.

**(11) Enforcement.**

(a) Election superintendents and boards of registrars shall investigate all complaints concerning accessibility to polling places and voter registration places and shall take such corrective action as may be necessary to ensure compliance with these rules concerning accessibility.

(b) Election superintendents and boards of registrars shall report in writing to the State Election Board through the Secretary of State all complaints concerning accessibility, the results of the investigation of the complaints, and any corrective actions taken.

(c) The State Election Board may, in its discretion, investigate these complaints further and take such actions as it deems appropriate to ensure that these rules concerning accessibility are implemented and effectuated.

Authority O.C.G.A. Sec. 21-2-31(a)(2). **History.** Original Rule entitled "Accessibility for Elderly and Handicapped Voters" was filed on August 1, 1986; effective August 21, 1986. **Amended:** Filed September 18, 1986; effective October 8, 1986.

**183-1-6-.05. Registration of Persons by College Presidents or Their Designees.**

(1) **Preamble.** In order to implement the provisions of Act No. 744 (H.B. No. 1172), passed during the 1990 Regular Session of the Georgia General Assembly, concerning the registration of students, staff, and faculty at public and private colleges and universities in the State of Georgia by college and university presidents or their designees, the State Election Board promulgates the following rules and regulations.

(2) **Authority.** The president of each public or private college or university located in the State of Georgia is authorized to register to vote all qualified students, staff, and faculty at the college or university. For students domiciled in the State of Georgia, the college or university president or designee of the president shall be a deputy registrar on behalf of all boards of registration in the State of Georgia for the purpose of taking applications for voter registration for these students. For staff and faculty domiciled in the county in which the college or university is located, each college or university president or designee of the president shall be a deputy registrar of the county in which the college or university is located for the purpose of taking applications for voter registration for those faculty and staff members.

(3) **Designees.** Each college or university president is authorized to designate such persons as the college or university president deems appropriate for the purpose of aiding the college or university president in the exercise of the president's voter registration duties. It shall not be necessary for any person so designated to be a resident of the county in which the college or university is located. However, each person so designated shall be a registered voter in the State of Georgia and shall take an oath as a deputy registrar. The designation shall be in writing and shall be forwarded by the college or university president to the chief registrar of the county in which the college or university is located. Registration cards completed by persons who are not designated in writing to the chief registrar by the college or university president to register persons on behalf of the college or university president shall be rejected.

(4) **Training.** Each person designated by a college or university president to register voters on behalf of the president shall immediately contact the chief registrar of the county in which the college or university is located to undergo such training board of registrars of the county ordinarily provides for deputy registrars. Such training shall be completed prior to the individual taking any application for voter registration.

(5) **Registration Cards.** The board of registrars in each county in which a college or university is located shall provide to the college or university president a sufficient number of registration cards for use in registering qualified students, staff, and faculty at the college or univer-

sity. These cards shall be issued and accounted for in the same manner as registration cards issued to additional voter registration places in the county.

(6) **Security.** Each college or university president shall provide a receipt for the registration cards issued by the county board of registrars and shall make such arrangements as are necessary to provide appropriate and adequate security for the blank voter registration cards. Additionally, any person designated by a college or university president to take voter registration applications on behalf of the college or university president shall also take such steps as are necessary to provide appropriate and adequate security for the registration cards which are placed in that person's possession. Completed voter registration cards shall be returned to the board of registrars in the county in which the college or university is located as soon as possible, but, in no event, later than the next business day.

(7) **Voter Registration Places.** Each place utilized for the receipt of applications for voter registration by the college or university president or designee of the president shall be precleared under Section 5 of the Voting Rights Act of 1965 (42 U.S. Section 1973c). The board of registrars of the county in which the college or university is located shall be responsible for obtaining this preclearance. No registration shall be conducted at locations which have not been precleared. Voter registration is limited to fixed sites. Door-to-door registration is prohibited.

(8) **Receipt of Completed Cards.** Upon the receipt of completed voter registration cards from a college or university, the board of registrars of the county in which the college or university is located shall retain those cards completed by individuals who are domiciled in the county in which the college or university is located and shall forward the remainder of the cards completed by individuals domiciled in other counties to the Elections Division of the Office of the Secretary of State as soon as possible and without delay. Upon receipt of the completed voter registration cards, the Elections Division shall distribute the cards to the appropriate counties. However, the county board of registrar may, in their discretion, send the completed registration cards directly to the appropriate counties.

(9) **Limitations on Presidents and Their Designees.** College and university presidents and their designees are limited to registering only those qualified students, staff and faculty at the college and university and may not registrar any other individuals. However, if the president or designee of the president meets the qualifications to be a deputy registrar in the county in which the college or university is located and is appointed by the Board of Registrars of the county, the president or the designee of the president may also serve as a regular deputy registrar of

the county and register other qualified voters of the county in which the college or university is located.

Authority O.C.G.A. Sec. 21-2-31(a)(2). **History.** Original Rule entitled "Registration of Persons by College Presidents or Their Designees" adopted F. Feb. 17, 1992; eff. Mar. 8, 1992.

**CHAPTER 183-1-7**  
**ELECTION DISTRICTS AND POLLING PLACES**

TABLE OF CONTENTS

Rule

183-1-7-.01. Precincts, Changes in Boundaries, Notification of Electors

**183-1-7-.01. Precincts, Changes in Boundaries, Notification of Electors. Amended.** When the boundary lines of a precinct are altered, all affected electors shall be notified of the change at least thirty (30) days before the next primary or election. Such notice shall be in writing and mailed to the last known address of the elector by the Registrar or the Election Board.

Authority O.C.G.A. Sec. 21-2-31(a)(2). **Administrative History.** Original Rule was filed on July 24, 1968; effective August 12, 1968. **Amended:** Filed June 24, 1974; effective July 14, 1974. **Amended:** Rule repealed and a new Rule entitled "Precincts, Changes in Boundaries, Notification of Electors" adopted. Filed March 6, 1987; effective March 26, 1987.

**CHAPTER 183-1-8****DATES OF PRIMARIES AND ELECTIONS**

## TABLE OF CONTENTS

## Rule

183-1-8-.01. Calls for Primaries and Elections

**183-1-8-.01. Calls for Primaries and Elections.** All calls for primaries and elections shall bear the date of first publication in a newspaper of the notice of such call, and all computations of time as required by the Georgia Election Code shall be based upon such date. This provision shall not alter in any manner the publication requirements relative to notice as set forth in said Code.

Authority Georgia Election Code 1964 as amended. **Administrative History.** Original Rule was filed on June 24, 1974; effective July 14, 1974.

**CHAPTER 183-1-11**  
**BALLOTS**

TABLE OF CONTENTS

Rule

183-1-11-.01. Ballot Secrecy.

**183-1-11-.01. Ballot Secrecy.** Each Superintendent of Elections shall ensure that handicapped persons casting their vote at the polls are able to do so in private by providing such facilities and equipment as necessary to maintain the secrecy of the ballot.

Authority Ga. L. 1984, p. 1430, O.C.G.A. Sec. 21-1-218(g); Ga. L. 1968, p. 862, O.C.G.A. Sec. 21-2-31. **Administrative History.** Original Rule entitled "Ballot Secrecy" was filed on November 14, 1986; effective December 4, 1986.

**CHAPTER 183-1-12**  
**VOTING MACHINES—VOTE RECORDERS**

TABLE OF CONTENTS

Rule	Rule
183-1-12-.01. Voting Machines	183-1-12-.07. Ballot Cards, Sealed After Tabulation
183-1-12-.02. Vote Recorders	183-1-12-.08. Defective and Duplicated Ballot Cards, Sealed After Tabulation
183-1-12-.03. Tabulating Center Personnel, Trained and Certified	183-1-12-.09. Write-In Ballots, Sealed After Tabulation
183-1-12-.04. Certification of Program Instructions	183-1-12-.10. Use of Absentee Ballots When Voting Machines are Inaccessible
183-1-12-.05. Ballot Envelopes and Fold Over Ballot Cards	
183-1-12-.06. Defective Ballot Cards, Duplication and Tabulation	

**183-1-12-.01. Voting Machines.** No rules applicable to voting machines have been adopted.

Authority Ga. Election Code 1964, as amended. **Administrative History.** Original Rule entitled "Voting Machines" was filed on July 24, 1968; effective August 12, 1968.

**Editor's Note:** See Chapter 590-8-1, Rules and Regulations of the Office of Secretary of State, "Certification of Voting Equipment".

**183-1-12-.02. Vote Recorders.** Rules applicable to vote recorders are numbered 183-1-12-.03 through 183-1-12-.09.

Authority Ga. Election Code 1964, as amended. **Administrative History.** Original Rule entitled "Vote Recorders" was filed on July 24, 1968; effective August 12, 1968.

**183-1-12-.03. Tabulating Center Personnel, Trained and Certified. Amended.** All tabulating center personnel must be trained in their respective duties and certified as required by O.C.G.A. Section 21-2-99 and Section 34-509 of the Georgia Election Code for poll officers. All programmers, operators, and data center personnel in vote recorder districts shall be sworn as provided in O.C.G.A. Sections 21-2-94 and 21-2-95 Code Section 34-505 and 34-506 for poll officers.

Authority O.C.G.A. Sec. 21-2-31(a)(2). **Administrative History.** Original Rule entitled "Tabulating Center Personnel, Trained and Certified" was filed on July 24, 1968; effective August 12, 1968. **Amended:** Filed March 6, 1987; effective March 26, 1987.

**183-1-12-04. Certification of Program Instructions.** During the official computer certification, all program test decks, program instructions, and print out sheets become property of the superintendent. All program instructions must be certified by the programmers who programmed them, and such instructions shall be kept with the test decks and filed with the Clerk of the Superior Court following consolidation and certification of the election returns.

Authority Ga. Election Code 1964, as amended. **Administrative History.** Original Rule entitled "Certification of Program Instructions" was filed on July 24, 1968; effective August 12, 1968.

**183-1-12-05. Ballot Envelopes and Fold Over Ballot Cards. Amended.** In vote recorder districts, in order to insure secrecy of the ballot in primaries and elections and to provide for write-in space in elections, the Superintendent shall authorize the use of one of the following types of ballot cards:

(a) Ballot card with envelope, as specified in 1. below:

1. Ballot Card and Envelope:

(i) Use in Primaries. The ballot card must be inserted by the voter into a ballot envelope in order to preserve the secrecy of the ballot. After the polls close and the ballot box is opened, poll officers shall separate ballot cards from ballot envelopes and the envelopes shall be returned to the Superintendent with other election supplies.

(ii) Use in General and Special Elections. The ballot card must be inserted by the voter into a ballot envelope in order to preserve the secrecy of the ballot. In elections, the ballot card and the ballot envelope must remain together in the ballot box in order to constitute a valid vote. Separated ballots shall be classified as invalid ballots and shall not be counted. In elections, after the polls close, the poll officers shall review the ballot card and the ballot envelope to ascertain whether the voter has cast write-in votes. If no write-in vote is recorded on the ballot envelope, such envelope shall be returned to the Superintendent with the other election supplies. If a write-in vote has been recorded on the ballot envelope, the poll officer shall follow the provisions of O.C.G.A. Sections 21-2-358, 21-2-473, and 21-2-416.

2. Fold Over Ballot Card:

(i) Use in Primaries. After the polls close and the ballot box is opened, poll officers shall separate the punched portion of the card from the fold over portion and that portion shall be returned to the Superintendent with other election supplies.

(ii) Use in General and Special Elections. In elections, the punched portion of the card and the write-in fold over portion of the card must

remain together in the ballot box in order to constitute a valid vote. Separate ballots shall be classified as invalid votes and shall not be counted. In elections, after the polls close, the poll officers shall review the fold over ballot card to ascertain whether the elector has cast any write-in votes. If no write-in vote is recorded on the write-in portion of the ballot, then that portion of the ballot card shall be returned to the Superintendent with the other election supplies. If a write-in vote has been recorded on that portion of the fold over ballot card, the poll officer shall follow the provisions of O.C.G.A. Sections 21-2-358, 21-2-473, and 21-2-416.

Authority O.C.G.A. Sec. 21-2-31(a)(2). **Administrative History.** Original Rule entitled "Ballot Envelopes" was filed on July 24, 1968; effective August 12, 1968. **Amended:** Filed August 5, 1969; effective August 24, 1969. **Amended:** Rule repealed and a new Rule entitled "Ballot Envelopes and Fold Over Ballot Cards" adopted. Filed May 26, 1970; effective June 14, 1970. **Amended:** Filed March 6, 1987; effective March 26, 1987.

**183-1-12-.06. Defective Ballot Cards, Duplication and Tabulation. Amended.** Defective ballot cards in vote recorder precincts may be separated from other ballot cards, duplicated according to O.C.G.A. Section 21-2-471, tabulated and added to the official precinct returns. When a defective ballot is duplicated, one election official shall read the defective ballot to a second election official who shall punch the duplicate card. Such punched duplicate card and the original card shall be reviewed by one other election official in order to be sure a true and accurate duplicate of the original ballot has been made.

Authority O.C.G.A. Sec. 21-2-31(a)(2). **Administrative History.** Original Rule entitled "Defective Ballot Cards, Duplication and Tabulation" was filed on July 24, 1968; effective August 12, 1968. **Amended:** Filed August 5, 1969; effective August 24, 1969. **Amended:** Filed March 6, 1987; effective March 26, 1987.

**183-1-12-.07. Ballot Cards, Sealed After Tabulation. Amended.** In vote recorder precincts, as soon as the ballot cards for a precinct have been run through the computer, the ballot cards, together with a copy of the precinct return and the precinct header cards shall be placed in a container plainly marked by the precinct, sealed with paper seals signed by at least two election officials, and retained as specified in O.C.G.A. Section 21-2-500.

Authority O.C.G.A. Sec. 21-2-31(a)(2). **Administrative History.** Original Rule entitled "Ballot Cards; Sealed After Tabulation" was filed on July 24, 1968; effective August 12, 1968. **Amended:** Filed October 20, 1975; effective November 9, 1975. **Amended:** Filed March 6, 1987; effective March 26, 1987.

**183-1-12-.08. Defective and Duplicated Ballot Cards, Sealed After Tabulation. Amended.** In vote recorder precincts, duplicated defective ballots shall be tabulated by precinct and kept along with the original defective ballots by precinct, in a container clearly marked "Defective Ballots for \_\_\_\_\_ Precinct (or Precincts)" sealed with paper seals signed by at least two election officials, and retained as specified in O.C.G.A. Section 21-2-500.

Authority O.C.G.A. Sec. 21-2-31(a)(2). **Administrative History.** Original Rule entitled "Defective and Duplicated Ballot Cards, Sealed After Tabulation" was filed on July 24, 1968; effective August 12, 1968. **Amended:** Filed October 20, 1975; effective November 9, 1975. **Amended:** Filed March 6, 1987; effective March 26, 1987.

**183-1-12-.09. Write-In Ballots, Sealed After Tabulation. Amended.** After tabulation, the ballot envelopes or the fold over write-in portions shall be placed in a container clearly marked by precinct, sealed with paper seals, signed by at least two election officials; and retained as specified in O.C.G.A. Section 21-2-500.

Authority O.C.G.A. Sec. 21-2-31(a)(2). **Administrative History.** Original Rule entitled "Write-In Ballots, Sealed After Tabulation" was filed on July 24, 1968; effective August 12, 1968. **Amended:** Filed May 26, 1970; effective June 14, 1970. **Amended:** Filed March 6, 1987; effective March 26, 1987.

**183-1-12-.10. Use of Absentee Ballots When Voting Machines are Inaccessible.** Absentee ballots may be used by the handicapped if voting machines are inaccessible.

Authority Ga. L. 1984, p. 1430, O.C.G.A. Sec. 21-2-218(g); Ga. L. 1968, p. 862, O.C.G.A. Sec. 21-2-31. **Administrative History.** Original Rule entitled "Use of Absentee Ballots When Voting Machines are Inaccessible" was filed on November 14, 1986; effective December 4, 1986.

CHAPTER 183-1-13

PREPARATION FOR AND CONDUCT OF PRIMARIES AND ELECTIONS

TABLE OF CONTENTS

Rule	Rule
183-1-13-.01. Repealed	183-1-13-.04. Poll Watchers Required to Wear Badge
183-1-13-.02. Repealed	183-1-13-.05. Poll Watchers for Tabulating Center
183-1-13-.03. Poll Watchers, Notification to Superintendent	

**183-1-13-.01. Repealed.**

Authority Ga. Election Code 1964, as amended. **History.** Original Rule was filed on July 24, 1968; effective August 12, 1968. **Amended.** Original Rule entitled "Official Observers at Polling Places" repealed and no new Rule adopted. Filed August 5, 1969; effective August 24, 1969.

**183-1-13-.02. Repealed.**

Authority Ga. Election Code 1964, as amended. **History.** Original Rule was filed on July 24, 1968; effective August 12, 1968. **Amended:** Original Rule entitled "Ballots, Paper, Validity of Marketing" repealed and no new Rule adopted. Filed October 20, 1975; effective November 9, 1975.

**183-1-13-.03. Poll Watchers, Notification to Superintendent.**

**Amended.** At least three days prior to the primary or election, a copy of the designating letter issued by the political party, political body, or independent candidate as specified in O.C.G.A. Section 21-2-408 shall be sent by the appropriate authority to the Superintendent of the County in which the poll watcher is to serve.

Authority O.C.G.A. Sec. 21-2-31(a)(2). **History.** Original Rule entitled "Poll Watchers, Notification to Superintendent" was filed on May 26, 1970; effective June 14, 1970. **Amended:** Filed March 6, 1987; effective March 26, 1987. **Amended:** F. Feb. 17, 1992; eff. Mar. 8, 1992.

**183-1-13-.04. Poll Watchers Required to Wear Badge. Amended.**

The Superintendent shall furnish a badge to each poll watcher containing the words "Official Poll Watcher," his name, the primary or election in which he shall serve, and each precinct or tabulating center in which he is to serve. The poll watcher shall wear his badge at all times while he is serving as a poll watcher.

Authority O.C.G.A. Sec. 21-2-31(a)(2). **History.** Original Rule entitled "Poll Watchers Required to Wear Badge" was filed on May 26, 1970; effective June 14, 1970. **Amended:** Filed March 6, 1987; effective March 26, 1987.

**183-1-13-.05. Poll Watchers for Tabulating Center. Amended.** In vote recorder counties, the Superintendent shall allow each political party to appoint two poll watchers for each primary or election, each political body to appoint two poll watchers for each election, and each independent candidate to appoint one poll watcher for each election, to serve in each of the locations designated by the Superintendent within the tabulating center. Such designated places shall include the check-in area, the computer room, the duplication area, and such other areas as the Superintendent may deem necessary to the assurance of fair and honest procedures in the tabulating center. Poll watchers designated for the tabulating center shall be appointed and serve in the same manner as other poll watchers.

Authority O.C.G.A. Sec. 21-2-31(a)(2). **History.** Original Rule entitled "Poll Watchers for Tabulating Center" was filed on May 26, 1970; effective June 14, 1970. **Amended:** Filed March 6, 1987; effective March 26, 1987. **Amended:** F. Feb. 17, 1992; eff. Mar. 8, 1992.

**CHAPTER 183-1-14**  
**ABSENTEE VOTING**

TABLE OF CONTENTS

Rule

183-1-14-.01. Absentee Ballot Envelope,  
Use of Symbols

**183-1-14-.01. Absentee Ballot Envelope, Use of Symbols. Amended.** Registrars shall either by use of color or symbols on the return absentee ballot envelope (the one on which the oath appears) designate under which category an absentee elector applied for his ballot. Suggested symbols: OP (out of precinct on election day); OPM (Out of Precinct-Military); D (sick or physically disabled); EO (any person performing any of the official acts or duties set forth in the Georgia Election Code in connection with the primary or election in which he desires to vote, including officially designated poll watchers); RH (observing religious holiday); PS (person required to remain on duty in precinct in person's place of employment for the protection of the health, life, or safety of the public during the entire time the polls are open; and 75 (seventy-five years of age or older). To facilitate counting, a symbol designating the absentee elector's precinct, and in the case of a primary, a symbol designating the party in whose primary the elector is voting shall also be noted on the envelope containing the oath.

Authority O.C.G.A. Sec. 21-2-31(a)(2). **History.** Original Rule entitled "Absentee Voting, Jurat Validity" was filed on July 24, 1968; effective August 12, 1968. **Amended:** Rule repealed and a new Rule entitled "Absentee Ballot Envelope, Use of Symbols" adopted. Filed June 24, 1974; effective July 14, 1974. **Amended:** Filed October 20, 1975; effective November 9, 1975. **Amended:** Filed March 6, 1987, effective March 26, 1987. **Amended:** F. Feb. 17, 1992; eff. Mar. 8, 1992.

**CHAPTER 183-1-15**  
**RETURNS OF PRIMARIES AND ELECTIONS**

TABLE OF CONTENTS

Rule

183-1-15-.01. Certificate of Nomination  
for Political Party Nominees

**183-1-15-.01. Certificate of Nomination for Political Party Nominees. Amended.** Immediately upon consolidating primary returns, the Superintendent of Elections, for county offices, and the Secretary of State, for Federal and other State Offices, shall issue a Certificate of Nomination on forms specified and furnished by the Secretary of State to each person nominated in such party primary for an office to be filled in the ensuing General Election. The Certificate of Nomination shall be mailed to each nominee by first class mail.

Authority O.C.G.A. Sec. 21-2-31(a)(2). **Administrative History.** Original Rule entitled "Notification and Certificate of Nomination for Political Party Nominees" was filed on May 26, 1970; effective June 14, 1970. **Amended:** Filed October 20, 1975; effective November 9, 1975. **Amended:** Title changed to "Certificate of Nomination for Political Party Nominees" and Rule amended. Filed March 6, 1987; effective March 26, 1987.

## User's Guide to the Index

This index contains treatment of the laws compiled in the *Georgia Election Code*, 1992 Edition. Statutory provisions from the Official Code of Georgia Annotated are referred to in the index by section number (e.g., §21-2-32).

This is a topical index, not a random word index. Random entries in an index to statutes are misleading since they result in split or partial treatment. Therefore, the systematic use of main topics or headings has been employed. Main headings treat the subject matter exhaustively unless references are made to other headings. Although the same subject matter is frequently repeated under different headings in the index, cross references are employed extensively to prevent the index from becoming too large and unwieldy. Many cross references carry statute section numbers indicating the main treatment of the subject; however, where a subject is dealt with in numerous unconnected sections, no section numbers are carried with the index cross reference.

Main headings were derived from the language of the Official Code of Georgia Annotated, from the phraseology commonly used in the courts of Georgia or from terminology commonly used in the legal profession. In addition, an effort was made to employ phrases and terms commonly applied to Official Code of Georgia Annotated sections, such as frequently used nonlegal terms.

We solicit your help in keeping this index as usable as possible and ask that you inform us of any popular names that may have eluded us and tell us of any errors we have made or improvements you think we should make. The Michie Company maintains a **toll-free telephone number (1-800-446-3410)** for use by those needing immediate help in locating a particular section or by those desiring to make comments or suggestions. All suggestions, questions and comments receive serious consideration, and all communications receive a reply.

The index does not attempt to cover each topic in the vast field of law but refers only to the material contained in the *Georgia Election Code*. A thorough knowledge of the format and terminology of the Official Code of Georgia Annotated is essential to the use of this index as a guide to subject matter.

A few basic rules for using this index are:

(1) *Gain familiarity with the contents of the Georgia Election Code and the index.* Knowledge of the arrangement, terminology, topical treatment, analyses, and reference system of both this book and the index is essential and must be acquired through examination and study.

(2) *Consult the principal subject and not the secondary subject.* Thus, for registration of voters, look under registration and not under voters.

(3) *Look for common phrases, regardless of whether a noun or an adjective starts the line.* Thus, for absentee voting, look under that heading and not under voting, subheading absentees. For presidential preference primary, look under that heading, not under primaries.

(4) *Consult the most pertinent subject.* Thus, for polling places, look under polling places and not under precincts.

## USER'S GUIDE TO THE INDEX

(5) *Consult allied headings.* If your search under one heading is to no avail, try another allied heading. Thus, if a search under the heading ballots is fruitless, try voting machines or vote recorders or write-in votes or other related headings. Each section has itemized entries, but perhaps the entries appear under headings that may not have initially occurred to you.

(6) *Use cross references.* Pay close attention to and make full use of the index cross references.

THE MICHIE COMPANY

# Index

## A

### **ABSENTEE BALLOT.**

#### **Voting machines.**

Handicap may use absentee ballots when machines inaccessible, Rule 183-1-12-.10.

### **ABSENTEE REGISTRATION.**

See REGISTRATION.

### **ABSENTEE VOTING.**

#### **Absentee electors.**

Defined, §21-2-380.

Procedures for voting with special write-in absentee ballot by qualified absentee electors, §21-2-381.1.

#### **Additional office space for receiving absentee ballots in certain counties,** §21-2-382.

#### **Applications,** §21-2-381.

Contents, §21-2-381.

Delivery to clerk of superior court after election, §21-2-390.

Duties of registrar, §21-2-381.

Means of submission, §21-2-381.

#### **Ballots.**

Special write-in absentee ballot.

Procedures for voting with special ballot by qualified absentee electors, §21-2-381.1.

Symbols used on envelope, Rule 183-1-14-.01.

#### **Cancellation of ballots of electors present in precinct during primaries and elections,** §21-2-388.

#### **Certification of absentee ballots,** §21-2-386.

#### **Challenges,** §21-2-384.

Marking of challenged ballots, §21-2-386.

Notification of challenged electors, §21-2-386.

#### **Courthouse annex.**

Utilization in certain counties as registrar's office in certain counties, §21-2-382.

### **ABSENTEE VOTING—Cont'd**

#### **Deceased electors.**

Procedure as to ballots, §21-2-387.

#### **Delivery of ballots,** §21-2-383.

To clerk of superior court after election, §21-2-390.

To manager, §21-2-386.

#### **Deposit of absentee ballots in ballot box,** §21-2-386.

#### **Destruction of ballots,** §21-2-390.

#### **Electors present in precinct during primaries and elections.**

Cancellation of ballots, §21-2-388.

#### **Eligibility.**

Determination by ballot clerk, §21-2-381.

#### **Envelopes,** §21-2-385.

Delivery, §21-2-384.

Duty of managers to open, §21-2-386.

Preparation, §21-2-384.

#### **Form of ballots,** §§21-2-287, 21-2-383.

#### **Handicapped persons.**

Assistance in preparation of ballot, §21-2-385.

#### **Illiterate electors.**

Assistance in preparation of ballot, §21-2-385.

#### **Lists,** §21-2-230.

Cancellation of absentee ballots of electors who are present.

Notation on list, §21-2-388.

Master list of ballots sent, §21-2-384.

Rejection of ballots.

Procedure upon, §21-2-386.

#### **Mailing of ballots,** §21-2-384.

Payment of postage, §21-2-389.

#### **Managers.**

Opening envelopes and deposit ballots in ballot box, §21-2-386.

#### **Marking of challenged ballots,** §21-2-386.

#### **Notices.**

Challenged electors, §21-2-386.

#### **Oaths,** §21-2-384.

#### **Postage.**

Payment of postage for mailing ballots, §21-2-389.

## INDEX

### **ABSENTEE VOTING—Cont'd**

#### **Precincts using vote recorders.**

Counting of absentee ballots at  
tabulating machine centers,  
§21-2-471.

#### **Preparation of ballots, §21-2-383.**

#### **Presidential preference primary.**

Safekeeping, etc., of ballots received,  
§21-2-386.

Supplies for ballots to be obtained,  
§21-2-384.

#### **Procedure for voting by absentee ballot, §21-2-385.**

#### **Rejection of ballot, §21-2-386.**

#### **Safekeeping of absentee ballots received, §21-2-386.**

#### **Separation of ballots.**

Votes taken on question involving  
political subdivisions, §21-2-386.

#### **Special write-in absentee ballots.**

Procedures for voting with special  
ballot by qualified absentee  
electors, §21-2-381.1.

#### **Time of voting, §21-2-385.**

#### **Transmittal or accounting of ballots by registrars, §21-2-390.**

#### **Voting by absentee ballot without qualifications, §21-2-573.**

### **ACTIONS.**

#### **State board of elections.**

Institution of intervention in court  
actions, §21-2-32.

### **ADVERTISEMENTS.**

#### **Campaign posters.**

Placement on public buildings, §21-1-1.

#### **Placement within right of way of public roads or property, §21-1-1.**

#### **Registration.**

Places of registration, §21-2-218.

### **AFFIDAVITS.**

#### **Candidates.**

Notice of candidacy, §21-2-132.

Pauper's affidavit, §21-2-132.

Contents, §21-2-153.

#### **Contests.**

Petitions.

Verification by affidavit, §21-2-524.

#### **Conventions.**

Nomination by convention.

State-wide public offices.

Petition circulators, §21-2-183.

### **AFFIDAVITS—Cont'd**

#### **Court of appeals.**

Judge of court of appeals.

Candidate seeking nomination in  
nonpartisan primary.

Filing of affidavit, §21-2-132.

#### **Making false entries, §21-2-562.**

#### **State courts of counties.**

Judge of state court.

Candidate seeking nomination in  
nonpartisan primary.

Filing of affidavit, §21-2-132.

#### **Superintendent.**

Refusal to permit public inspection,  
§21-2-585.

#### **Superior courts.**

Judge of superior court.

Candidate seeking nomination in  
nonpartisan primary.

Filing of affidavit, §21-2-132.

#### **Supreme court.**

Justices of the supreme court.

Candidate seeking nomination in  
nonpartisan primary.

Filing of affidavit, §21-2-132.

#### **Voting machines.**

Preparation of machines, §21-2-327.

### **AGE.**

#### **Qualifications of electors, §21-2-219.**

### **AGED PERSONS.**

#### **Assisting electors 75 years of age or older.**

Voting without waiting in line,  
§21-2-409.1.

### **AGRICULTURE.**

#### **Commissioner of agriculture.**

Date of election, §21-2-9.

Restriction on number of offices for  
which an individual may be  
nominated prior to any one  
election, §21-2-136.

### **APPEAL AND ERROR.**

#### **Challenges.**

Right of appeal to superior court,  
§21-2-237.

#### **Contests.**

Appeals from determination,  
§21-2-528.

#### **Nomination petitions.**

Review and appeal of denial,  
§21-2-171.

## INDEX

### **APPEAL AND ERROR—Cont'd**

#### **Registration.**

Decisions denying or allowing registration of voters, §21-2-224.

### **ARREST.**

**Registration officers' privilege from arrest,** §21-2-215.

### **ATTACHMENTS.**

#### **Contests.**

Collecting costs, §21-2-529.

### **ATTORNEY GENERAL.**

**Date of election,** §21-2-9.

**Majority vote as prerequisite for nomination or election.**

Run-off primary of election when no candidate receives majority vote, §21-2-501.

**Presidential preference primary.**

Determination of date, §21-2-191.

**Run-off primary or election.**

Majority vote as prerequisite for nomination or election, §21-2-501.

## **B**

### **BALLOTS.**

#### **Absentee voting.**

Special write-in absentee ballot.

Procedures for voting with special ballot by qualified absentee electors, §21-2-381.1.

Symbols used on envelope, Rule 183-1-14-.01.

#### **Ballot boxes.**

Precincts using paper ballots.

Locking of ballot box before opening of polls, §21-2-430.

Opening of ballot boxes, §21-2-430.

Tampering, §21-2-566.

#### **Ballot cards.**

Counterfeit cards, §21-2-575.

Defective cards, §21-2-472.

Defined, §21-2-2.

Disposition of ballot cards, §21-2-470.

Making false entries, §21-2-562.

Prying into, §21-2-578.

Removal of number strip and deposit, §21-2-470.

**Binding,** §21-2-286.

#### **Canceled ballots.**

Precincts using paper ballots.

Return of canceled ballots to superintendent, §21-2-433.

### **BALLOTS—Cont'd**

#### **Candidates.**

Appearance of name of candidates, §21-2-285.

Arrangement of name on ballots, §21-2-285.

Incumbency.

Indication on ballot, §21-2-285.

Name placed ballot without notice of candidacy, §21-2-132.

Printing when candidates for same nomination have same or similar names, §21-2-288.

Same or similar names of candidates, §21-2-288.

Substitute candidates.

Printing of names, §21-2-289.

Unopposed candidates.

Procedure, §21-2-291.

**Captions,** §21-2-285.

**Casting unofficial ballot,** §21-2-579.

#### **Clerks of court.**

Delivery to clerk of superior court, §21-2-500.

**Conduct of elections by ballots,** §21-2-280.

#### **Constitutional amendments.**

Form of ballot, §21-2-285.

Form of ballot labels, §21-2-325.

**Correction of mistakes and omissions,** §21-2-293.

**Custodians,** §21-2-405.

**Defined,** §21-2-2.

**Delivery to clerk of superior court,** §21-2-500.

**Depositing fraudulent ballots,** §21-2-566.

**Destroying or delaying delivery,** §21-2-576.

#### **Facsimile ballots.**

Duty of superintendent to prepare, §21-2-400.

**False entries,** §21-2-562.

#### **Felonies.**

Counterfeit ballot cards, §21-2-575.

Offenses by printers of ballots, §21-2-594.

Unlawful possession, §21-2-574.

#### **Forms.**

Absentee ballots, §§21-2-287, 21-2-383.

Duty of superintendent to have forms on file for public inspection, §21-2-292.

Labels, §21-2-325.

## INDEX

### **BALLOTS—Cont'd**

#### **Forms—Cont'd**

- Nonpartisan election for judicial offices, §21-2-285.1.
- Nonpartisan primary for judicial offices, §21-2-284.1.
- Official election ballot, §21-2-285.
- Official primary ballot, §21-2-284.

#### **Grand jury.**

- Presentation of ballots to grand jury, §21-2-500.

#### **Handicapped persons.**

- Secrecy of ballots, Rule 183-1-11-.01.

#### **Improper removal from book of official ballots, §21-2-577.**

#### **Inducing elector to reveal how ballot has been marked, §21-2-568.**

#### **Interference with marking of ballot, §21-2-568.**

#### **Labels.**

- Defined, §21-2-2.
- Duty of superintendent as to printing, §21-2-283.
- Furnishing, §21-2-327.
- Official ballot label.
  - Defined, §21-2-2.
- Possessing, making, etc., counterfeit labels, §21-2-575.
- Sample or facsimile labels.
  - Duty of superintendent to prepare, §21-2-400.
- Unofficial ballot labels, §21-2-326.
- Vote recorders.
  - See VOTE RECORDERS.
- Voting machines.
  - See VOTING MACHINES.

#### **Making false entries, §21-2-562.**

#### **Marking, mutilating, etc.**

- Duty of assistant managers and chief managers, §21-2-439.
- Paper ballots, §21-2-438.
- Precincts using paper ballots.
  - Marking, mutilating, etc., render ballot void, §21-2-438.

#### **Methods of casting ballots.**

- Body ticket, §21-2-416.
- Individual vote, §21-2-416.
- Modified straight party ticket, §21-2-416.
- Straight political party ticket, §21-2-416.

#### **Mistakes.**

- Correction of mistakes, §21-2-293.

### **BALLOTS—Cont'd**

#### **Multiple office-holders with same title.**

- Designation of specific office sought where office has multiple office-holders with same title, §21-2-135.

#### **Nonpartisan election for judicial offices.**

- Form of nonpartisan election ballot, §21-2-285.1.

#### **Nonpartisan primary for judicial offices.**

- Form of ballot, §21-2-284.1.
- Placement of nominee on nonpartisan election ballot, §21-2-284.1.

#### **Notice of candidacy.**

- Names placed on ballots without filing notice, §21-2-132.

#### **Number of ballots equal to number of registered electors in district, §21-2-290.**

#### **Official ballots.**

- Defined, §21-2-2.
- Furnishing by superintendent, §21-2-280.

#### **Omissions.**

- Correction, §21-2-293.

#### **Paper ballots.**

- Defined, §21-2-2.
- Discontinuance of use upon installation of voting machines, §21-2-323.
- Methods of casting ballots, §21-2-416.
- Precincts using paper ballots.
  - Admission of electors to enclosed space, §21-2-433.
  - Applications.
    - Separate preservation and disposition of refused applications, §21-2-432.
- Assistant managers.
  - Mutilation of ballots, §21-2-439.
- Binders.
  - Voter's certificate as constituting official list of electors, §21-2-432.

#### **Breaking seals of packages furnished by superintendent, §21-2-430.**

#### **Certification of vote, §21-2-437.**

#### **Close of polls.**

- Duty of poll officers, §21-2-436.

#### **Counting and return of votes, §21-2-437.**

#### **Delivery of copy of ballots, §21-2-440.**

#### **Depositing and counting only of official ballots, §21-2-434.**

#### **Depositing of ballots, §21-2-435.**

## INDEX

### **BALLOTS—Cont'd**

#### **Paper ballots—Cont'd**

- Precincts using paper ballots—Cont'd
  - Destruction of ballots not intended for use, §21-2-430.
  - Detachment and distribution of only one ballot at a time, §21-2-434.
  - Detachment of ballot from stubs, §21-2-433.
  - Disposition of ballots appearing not to be official; §21-2-434.
  - Disposition of unmarked, improperly marked, etc., ballots, §21-2-438.
  - Distribution of ballots, §21-2-433.
  - Effect of other irregularities in marking, §21-2-438.
  - Exclusivity of poll officers privilege and duty to detach and distribute ballots, §21-2-434.
- Instruction cards.
  - Posting and distribution, §21-2-430.
- Locking ballot box before opening of polls, §21-2-430.
- Marking and depositing of ballots, §21-2-435.
- Marks, mutilations, etc., render ballots void, §21-2-438.
- Opening ballot boxes, §21-2-430.
- Penalties.
  - Notices, §21-2-430.
- Physical disabilities.
  - Procedure as to electors unable to sign name, §21-2-431.
- Poll officers.
  - Duties after close of poll, §21-2-436.
  - Preparation of returns, §21-2-437.
  - Signing general return, §21-2-440.
- Qualifications of electors.
  - Procedure upon qualification, §21-2-431.
- Registration.
  - Prerequisite to voting, §21-2-431.
- Removal of individual ballots from polling place, §21-2-434.
- Return of cancelled ballots to superintendent, §21-2-433.
- Returns.
  - Delivery of copy, §21-2-440.
  - Posting copies, §21-2-440.
  - Preparation by poll officers, §21-2-437.

### **BALLOTS—Cont'd**

#### **Paper ballots—Cont'd**

- Precincts using paper ballots—Cont'd
  - Returns—Cont'd
    - Votes cast for persons whose names are not printed on ballot, §21-2-437.
  - Tally papers.
    - Delivery, §21-2-440.
  - Voter's certificates.
    - Execution, §21-2-431.
  - Voting outside precinct of residence, §21-2-431.
- Vote recorders.
  - Discontinuance of use upon installation, §21-2-352.
  - Voting by paper ballot where use of vote recorders impossible, etc., §§21-2-282, 21-2-364.
- Voting machines.
  - Use of paper ballot when use of machine impossible, etc., §§21-2-281, 21-2-334.
- Political parties.**
  - Failure to file registration statement.
    - Name of candidates not placed on ballot, §21-2-110.
- Preservation and destruction, §21-2-500.**
- Presidential preference primary.**
  - Designation on ballot of candidate to whom candidate for delegate, etc., is pledged, §21-2-200.
  - Form, §21-2-200.
  - Request of candidates not selected to have names placed on ballot, §21-2-193.
  - Selection of candidates to appear on ballot, §21-2-193.
  - Withdrawal from ballot, §21-2-194.
- Printing.**
  - Candidates with same or similar names, §21-2-288.
  - Duty of superintendent to cause ballots to be printed accurately, §21-2-283.
  - Offenses by printers, §21-2-594.
  - Proposed constitutional amendments, §21-2-285.
  - Specifications, §21-2-286.
  - Substitute candidates, §21-2-289.
  - Unopposed candidates, §21-2-291.
- Prying into, §21-2-578.**

## INDEX

### **BALLOTS—Cont'd**

#### **Recording number of ballots.**

Responsibility of superintendent,  
§21-2-294.

#### **Safekeeping of ballots.**

Duty of superintendent, §21-2-294.

#### **Sample ballots.**

Duty of superintendent to prepare,  
§21-2-400.

#### **Secret ballots.**

Duty of secretary of state and state  
election board, §21-2-358.

Handicapped persons to have  
confidentiality maintained, Rule  
183-1-11-.01.

#### **Special ballots.**

Form of official primary ballot,  
§21-2-284.

#### **Stubs.**

Precincts using paper ballots.  
Detachment of ballots from stubs,  
§21-2-433.

#### **Superintendents.**

Forms of ballots.  
Duty of superintendent to have  
forms on file, §21-2-292.

Recording number of ballots,  
§21-2-294.

To provide ballots, §21-2-280.

#### **Unlawful possession, §21-2-574.**

#### **Violations.**

See VIOLATIONS.

#### **Vote recorders.**

See VOTE RECORDERS.

#### **Voting machines.**

See VOTING MACHINES.

#### **Write-in ballots.**

Defined, §21-2-2.

### **BINDERS.**

#### **Precincts using paper ballots.**

Certificate binder constitutes official list  
of electors, §21-2-432.

### **BLIND PERSONS.**

#### **Assisting electors having physical disabilities, §21-2-409.**

### **BLOCK.**

Defined, §21-2-3.

### **BOARDS AND COMMISSIONS.**

#### **Appointment of members.**

Statutory or constitutional board or  
body members.

Membership based on residency  
within congressional district,  
§21-2-4.1.

#### **Boards of education.**

Nonpartisan election for county officers,  
school boards and school  
superintendent, §21-2-139.

#### **Congress.**

Continuation in office, dismissal or  
appointment of members of  
constitutional or statutory boards  
or bodies.

Membership based on residency  
within congressional district,  
§21-2-4.1.

#### **Constitutional officers election board.**

See CONSTITUTIONAL OFFICERS  
ELECTION BOARD.

#### **Constitutional or statutory boards or bodies.**

Membership based on residency within  
congressional district, §21-2-4.1.

#### **Continuation in office.**

Statutory or constitutional board or  
body members.

Membership based on residency  
within congressional district,  
§21-2-4.1.

#### **County boards of elections.**

See COUNTIES.

#### **Dismissal of members.**

Statutory or constitutional board or  
body members.

Membership based on residency  
within congressional district,  
§21-2-4.1.

#### **Joint county-municipal boards.**

Creation.  
Authorized, §21-2-45.

#### **Residence.**

Constitutional or statutory boards or  
bodies.

Membership based on residency  
within congressional district,  
§21-2-4.1.

#### **State election board, §§21-2-30 to 21-2-34.**

See STATE ELECTION BOARD.

## INDEX

### **BOND ISSUES.**

#### **Tabulating machines.**

Meeting cost, §21-2-363.

#### **Vote recorders.**

Meeting cost of recorders, §21-2-363.

#### **Voting machines.**

Issuance of bonds, etc., to meet costs, §21-2-333.

### **BOUNDARIES.**

#### **Change in county lines.**

Place of voting where change made, §21-2-239.

#### **Precincts.**

Alteration of precinct boundaries.

Reimbursement of counties for costs incurred pursuant to alteration, §21-2-264.

Change in boundaries of precincts, §21-2-261.

Time for notice of change, Rule 183-1-7-.01.

Requirements for voting precincts established or altered on or after July 1, 1983, §21-2-261.1.

### **BUDGETS.**

#### **Registrars.**

List of expenditures, §21-2-245.

Preparation of annual budget estimate by board of registrars, §21-2-245.

### **BUILDINGS.**

#### **Campaign posters, signs and advertisements.**

Placement on public buildings, §21-1-1.

Placement within right of way of public roads or property, §21-1-1.

#### **BUYING OR SELLING VOTE,**

§21-2-570.

## C

### **CALL.**

**Defined,** §21-2-2.

#### **Elections.**

Rules governing, Rule 183-1-8-.01.

#### **Primaries.**

Rules governing, Rule 183-1-8-.01.

### **CAMPAIGN ACTIVITIES.**

#### **Polling places.**

Restriction on activities within vicinity of polling place, §21-2-414.

### **CAMPAIGN LITERATURE.**

**Identification of literature,** §21-2-415.

### **CAMPAIGN LITERATURE—Cont'd**

**Requirements for publishing and dissemination,** §21-2-415.

### **CAMPAIGN POSTERS.**

**Placement within right of way of public roads or property prohibited,** §21-1-1.

### **CANDIDATE COUNTERS.**

**Defined,** §21-2-310.

#### **Voter recorders.**

See VOTER RECORDERS.

#### **Voting machines.**

See VOTING MACHINES.

### **CANDIDATES.**

#### **Affidavits.**

Notice of candidacy, §21-2-132.

#### **Ballots.**

See BALLOTS.

#### **Controlled substances.**

Mandatory drug testing, §21-2-140.

#### **County offices.**

Determination of qualifications, §21-2-6.

Qualifications, §21-2-6.

#### **Crimes involving moral turpitude.**

Eligibility for party nomination, §21-2-8.

#### **Death.**

Substitute nominations to fill vacancies in party nominations, §21-2-134.

#### **Disqualification.**

Substitute nominations to fill vacancies in party nominations, §21-2-134.

#### **Drug testing.**

Mandatory drug testing, §21-2-140.

#### **Fees.**

Notice of candidacy, §21-2-132.

Qualification fees.

Distribution of fees paid, §21-2-131.

Fixing and publishing, §21-2-131.

Manner of payment, §21-2-131.

#### **Felonies.**

Eligibility for party nomination, §21-2-8.

#### **Fraudulent violation of primary or election laws.**

Eligibility for party nomination, §21-2-8.

#### **Indigent persons.**

Pauper's affidavit.

Filing in lieu of payment of qualifying fee, §21-2-132.

## INDEX

### **CANDIDATES—Cont'd**

#### **Lists.**

Presidential preference primaries.  
Potential presidential candidates,  
§21-2-193.

#### **Primaries.**

Posting of lists of qualified  
candidates, §21-2-153.

#### **Qualifying fees.**

Transmission to superintendent with  
party's list of candidates,  
§21-2-131.

**Losing candidate's right to recount,**  
§21-2-495.

**Majority vote as prerequisite for  
nomination or election,** §21-2-501.

#### **Malfeasance in office.**

Eligibility for party nomination,  
§21-2-8.

#### **Multiple office-holders with same title.**

Designation of specific office sought  
where office has multiple office-  
holders with same title, §21-2-135.

#### **Names.**

Printing of ballots when candidate for  
same nomination have same or  
similar names, §21-2-288.

**Nonpartisan election for judicial offices,**  
§21-2-138.

#### **Notice of candidacy.**

Affidavits, §21-2-132.

False statements, §21-2-565.

Fees, §21-2-132.

Filing, §21-2-132.

Write-in candidates, §21-2-133.

Affidavit of publication, §21-2-133.

**Number of offices for which individual  
may be nominated,** §21-2-136.

#### **Persons acting on own behalf.**

Notice of candidacy, §21-2-133.

Filing of affidavit of publication,  
§21-2-133.

#### **Petitions.**

Nominating petitions.

See **NOMINATIONS.**

#### **Political parties.**

Authority to nominate candidates,  
§21-2-151.

Certification of person qualified with  
other party, §21-2-137.

Nomination by political party,  
§21-2-130.

Qualification for nomination with more  
than one party, §21-2-137.

### **CANDIDATES—Cont'd**

#### **Poll watchers.**

Candidates ineligible to serve,  
§21-2-408.

#### **Presidential preference primary.**

See **PRESIDENTIAL PREFERENCE  
PRIMARY.**

#### **Primaries.**

##### **Fees.**

Qualification fees, §21-2-131.

General provisions.

See **PRIMARIES.**

Presidential preference primary.

See **PRESIDENTIAL PREFERENCE  
PRIMARY.**

#### **Probate court judges.**

Creation of board to assume duties of  
superintendent where judge of  
probate candidate for public office,  
§21-2-74.

#### **Qualifications.**

Challenge of qualifications by secretary  
of state, §21-2-5.

Federal and state offices, §21-2-5.

##### **Fees.**

Distribution of fees paid, §21-2-131.

Manner of payment, §21-2-131.

Fixing and publishing, §21-2-131.

Party nomination in a primary,  
§21-2-153.

Procedures for qualification of  
candidates, §21-2-130.

#### **Recounts.**

Losing candidate's right to recount,  
§21-2-495.

#### **Restriction on number of offices for**

**which individual may be nominated,**  
§21-2-136.

#### **Special elections and primaries.**

See **SPECIAL ELECTIONS AND  
PRIMARIES.**

#### **State election board.**

Vacating board membership upon  
qualifying for candidacy, §21-2-30.

#### **Substitute candidates.**

Printing on ballots of names,  
§21-2-289.

#### **Unopposed candidates.**

Printing of ballots, §21-2-291.

Special elections and primaries.

Procedure as to unopposed  
candidates, §21-2-545.

## INDEX

### **CANDIDATES—Cont'd**

#### **Vacancies in party nominations.**

Substitute nominations to fill vacancies,  
§21-2-134.

#### **Vote recorders.**

Number of candidates accommodated,  
§21-2-352.

Same recorder used for two or more  
parties.

Design of ballot cards to allow clear  
identification, §21-2-355.

#### **Withdrawal.**

Restrictions, §21-2-134.

#### **Write-in candidates.**

Certification of candidates by secretary  
of state, §21-2-133.

Limitations on candidacy, §21-2-133.

Notice of intent of candidacy,  
§21-2-133.

Affidavit of publication, §21-2-133.

### **CANVASS OF VOTES.**

**Precincts using voting machines,**  
§21-2-455.

#### **Recanvass.**

Procedure, §21-2-495.

#### **Secretary of state.**

Duty to canvass votes cast, §21-2-499.

**Superintendent to arrange for canvass of  
returns,** §21-2-492.

**CENTRAL VOTING LOCATION,**  
§21-2-238.

**Checking for duplicate voting, Rule**  
183-1-6-.02.

### **CERTIFICATES OF ELECTION.**

**Commissioners of public service  
commission,** §21-2-502.

**Congressional representatives,**  
§21-2-502.

**Constitutional amendments,** §21-2-502.

**County officers,** §21-2-502.

**District attorneys,** §21-2-502.

**General assembly members,** §21-2-502.

**Governor and other constitutional  
officers,** §21-2-502.

**Issuance,** §21-2-502.

**Judges of the court of appeals,**  
§21-2-502.

**Justices of the supreme court,** §21-2-502.

**Juvenile court judges,** §21-2-502.

**Presidential electors,** §21-2-502.

**Superior court judges,** §21-2-502.

**United States senators,** §21-2-502.

**CERTIFICATION OF POLITICAL  
PARTY CANDIDATES,** §21-2-154.

### **CHALLENGES.**

**Absentee voting,** §21-2-384.

Marking of challenged ballots,  
§21-2-386.

Notification of challenged elector,  
§21-2-386.

#### **Appeals.**

Right of appeal to superior court,  
§21-2-237.

#### **Candidates.**

County office.

Qualifications challenged by  
superintendent, §21-2-6.

Federal and state office.

Qualifications challenged by secretary  
of state, §21-2-5.

Qualifications of candidates, §21-2-5.

#### **Copies.**

Furnishing copies to challenged elector,  
§21-2-237.

**Decision of board of registrars,**  
§21-2-237.

**Grounds,** §21-2-237.

**Notice,** §21-2-237.

#### **Precincts using voting machines.**

Voting by electors whose right to vote  
is challenged, §21-2-452.

**Right of person to challenge,** §21-2-237.

### **CHIEF EXECUTIVE COMMITTEES.**

**Establishment,** §21-2-113.

**Jurisdiction,** §21-2-113.

**Rules and regulations,** §21-2-113.

### **CHIEF REGISTRAR.**

See REGISTRATION.

**CITATION OF CODE,** §21-2-1.

### **CIVIL RIGHTS.**

#### **Primaries.**

Candidates.

Qualifications, §21-2-153.

#### **CLERKS.**

**Appointment by superintendent,**  
§21-2-91.

**Oath of office,** §21-2-93.

Form of oath, §21-2-95.

#### **Precinct clerks.**

Appointment, §21-2-91.

### **CLERKS OF COURT.**

#### **Ballots.**

Delivery to clerk of superior court,  
§21-2-500.

## INDEX

### CLERKS OF COURT—Cont'd

#### Lists.

Delivery to clerk of superior court, §21-2-500.

Voters disqualified.

Preparation and filing by clerk, §21-2-232.

#### State courts of counties.

Chief deputy to be designated, §21-2-17.

### CLOSING OF POLLS.

#### Poll officers.

Count of votes before closing of polls, §21-2-588.

#### Precincts using paper ballots.

Duties of poll officers, §21-2-436.

#### Precincts using vote recorders.

Duties of poll officers, §21-2-473.

#### Precincts using voting machines.

Duties of poll officers, §21-2-454.

Time, §21-2-403.

### COLLEGE PRESIDENTS.

#### Registrars.

Deputy registrars, §21-2-212.

#### Registration.

Rules for registration of persons by college presidents or their designees, Rule 183-1-6-.05.

### COMMISSIONS.

#### Contests.

Issuance of commission to person whose election is contested, §21-2-503.

Procedure upon finding that person to whom commission issued not legally elected, §21-2-503.

### CONFLICTS OF INTEREST.

#### Secretary of state.

Vote recorders.

Pecuniary interest in recorders, §21-2-353.

#### Vote recorders.

Pecuniary interest of secretary of state, §21-2-353.

### CONGRESS.

#### Boards and commissions.

Constitutional or statutory boards or bodies.

Membership based on residency within congressional district, §21-2-4.1.

### CONGRESS—Cont'd

#### Certificates of election.

Issuance, §21-2-502.

#### Congressional districts.

Block.

Defined, §21-2-3.

Constitutional or statutory boards or bodies.

Membership based on residency within congressional district, §21-2-4.1.

Designation, §21-2-4.

Date of election of members, §21-2-9.

#### Governor.

United States senators.

Authority of governor to make temporary appointment, §21-2-542.

#### House of representatives.

Certificate of election.

Issuance, §21-2-502.

Special election, §21-2-543.

#### Senate.

Governor.

Temporary appointments by governor, §21-2-542.

Special election for senator, §21-2-542.

### CONSTITUTIONAL AMENDMENTS.

#### Ballots.

Form of ballot, §21-2-285.

Form of ballot labels, §21-2-325.

#### Certificates of election.

Issuance, §21-2-502.

#### Summary of general amendments.

Printing, §21-1-2.

Recording summary on audio tape, §21-1-2.

### CONSTITUTIONAL OFFICERS ELECTION BOARD.

#### Certificates of election.

Issuance, §21-2-502.

#### Composition, §21-2-498.

#### Returns.

Cases where returns not transmitted to secretary of state at time of convening of board, §21-2-498.

Certification by board, §21-2-498.

Filing with secretary of state, §21-2-498.

Opening returns for constitutional officers before board, §21-2-498.

Publication, §21-2-498.

## INDEX

### CONSTITUTIONAL OFFICERS

#### ELECTION BOARD—Cont'd

##### Run-off elections.

Duties as to, §21-2-501.

### CONSTRUCTION AND INTERPRETATION.

Construction of chapter, §21-2-16.

### CONTEMPT.

#### Nomination and qualification of independent candidates, candidates of political bodies, and presidential electors.

Examination of petitions.

Basis for grant or denial, §21-2-171.

#### Registration of voters.

Board of registrars to reexamine qualifications of electors listed.

Subpoenaing of documents and witnesses, §21-2-236.

#### State election board.

Hearings before board, §21-2-33.

### CONTESTS.

#### Appeals.

Determination of court on contest petition, §21-2-528.

#### Attachments.

Collecting costs, §21-2-529.

#### Calling of second primary or election, §21-2-527.

#### Commission.

Finding that person to whom commission was issued not legally elected, §21-2-503.

Issuance of commission to person whose election is contested, §21-2-503.

#### Contestants.

Defined, §21-2-520.

#### Costs.

Collection, §21-2-529.

Liability for costs, §21-2-529.

#### Court of appeals.

Appeals from determination on contest petition, §21-2-528.

#### Defendants.

Defined, §21-2-520.

#### Definitions, §21-2-520.

#### Fraud.

Grounds for contest, §21-2-522.

#### Grounds, §21-2-522.

#### Hearings, §21-2-525.

#### Illegal votes.

Grounds for contest, §21-2-522.

### CONTESTS—Cont'd

#### Judges.

Administrative judges.

Superior court jurisdiction of contested cases.

Compensation of presiding judge, §21-2-523.

Notification of administrative judge, §21-2-523.

Selecting administrative judge of adjoining district, §21-2-523.

#### Judgments.

Pronouncement, §21-2-527.

#### Jurisdiction.

Superior court, §21-2-523.

#### Jury trial.

Authorized upon request, §21-2-526.

#### Persons who may bring contest, §21-2-521.

#### Petitions.

Amendments, §21-2-524.

Answer to petition.

Notice of proceedings to answer, §21-2-524.

Filing, §21-2-524.

Service of petition.

Procedure for service on state election board, §21-2-524.

Verification by affidavit, §21-2-524.

#### Plenary power of court, §21-2-525.

#### Poll officers.

Finding of misconduct by poll officers, §21-2-527.

#### Primaries, elections, etc., subject to contest, §21-2-521.

#### Returns.

Certification and filing of corrected returns, §21-2-493.

#### Service of process.

Petitions, §21-2-524.

Special process, §21-2-524.

#### Settlements.

Court approval, §21-2-527.1.

Right of parties to object to, §21-2-527.1.

#### Special verdicts, §21-2-526.

#### State election board.

Service of petition on board, §21-2-524.

#### Superior courts.

Jurisdiction, §21-2-523.

Powers of court generally, §21-2-525.

#### Supreme court.

Appeals from determination on contest petition, §21-2-528.

## INDEX

### CONTINUANCES.

#### Registration.

- Loss of qualification for failure to exercise vote.
- Request for continuance, §21-2-231.

### CONTROLLED SUBSTANCES.

#### Candidates.

- Mandatory drug testing, §21-2-140.

### CONVENTIONS.

#### Delegates.

- Presidential preference primary.  
See PRESIDENTIAL PREFERENCE PRIMARY.

#### Holding of conventions, §21-2-187.

- Filing of notice of candidacy, §21-2-187.

#### Notice of candidacy.

- Filing, §21-2-187.

#### Nomination by convention.

- Qualification of candidates by, §21-2-130.
- State-wide public offices, §21-2-172.
- Affidavits.

- Petition circulators, §21-2-183.

#### Filing of petitions, §21-2-181.

- Deadline, §21-2-185.

#### Petitions.

- Affidavits of circulators, §21-2-183.
- Amendment restricted, §21-2-184.
- Contents, §21-2-182.
- Examination, §21-2-186.
- Filing, §§21-2-181, 21-2-185.
- Form, §21-2-183.
- Judicial review, §21-2-186.
- Manner of qualification, §21-2-180.
- Signatures, §21-2-182.
- Supplementation restricted, §21-2-184.

#### Political bodies.

- Qualification to nominate candidates by convention, §21-2-180.

#### Qualification of political body to nominate candidates by convention.

- Manner of qualification, §21-2-180.

#### Nomination of presidential electors and candidates by convention, §21-2-172.

#### Presidential preference primary.

- See PRESIDENTIAL PREFERENCE PRIMARY.

### CONVICTION OF CRIME.

#### List of voters who have died or appear to be disqualified by reason of criminal conviction, insanity, etc.

- Preparation and filing of lists of voters, §21-2-232.

#### Persons convicted of fraud, malfeasance, or felony involving moral turpitude, §21-2-8.

#### Registration cards.

- Form of registration cards, §21-2-217.

### COSTS.

#### Contests.

- Liability for costs, §21-2-529.
- Methods of collecting, §21-2-529.

### COUNTERFEITING.

#### Ballot cards, §21-2-575.

### COUNTIES.

#### Applicability of chapter, §21-2-15.

#### Board of elections.

- Creation of board to assume duties of superintendent where judge of probate court is candidate, §21-2-74.

#### Eligibility of persons holding public office to serve on board, §21-2-75.

- General assembly authorized to create board of elections in any county, §21-2-40.

#### Joint county-municipal boards.

- Creation.  
Authorized, §21-2-45.

#### Municipal registrars.

- Appointment as county deputy registrars in certain counties, §21-2-213.

#### Where judge of probate court candidate.

- Assumption of duties of superintendent where judge a candidate.

- Creation of board to assume duties, §21-2-74.

#### Boundaries.

- Place of voting where change is made in county lines, §21-2-239.

#### Candidates for county office.

- Determination of qualifications, §21-2-6.

#### Qualifications, §21-2-6.

#### Certificates of election.

- Issuance, §21-2-502.

#### Date of election, §21-2-9.

## INDEX

### **COUNTIES—Cont'd**

#### **Municipal elections.**

Primaries.

Authorization for county to conduct elections, §21-2-45.

#### **Officers.**

Date of election, §21-2-9.

#### **Political parties.**

County executive committees.

See POLITICAL PARTIES.

#### **Registrars.**

See REGISTRATION.

#### **Superintendents.**

Creation of board to assume duties of superintendent in counties without board, §21-2-74.

Payment of expenses by counties, §21-2-71.

### **COUNTY BOARDS OF ELECTIONS.**

#### **Generally.**

See COUNTIES.

#### **Poll officers.**

See POLL OFFICERS.

### **COUNTY EXECUTIVE COMMITTEES.**

See POLITICAL PARTIES.

### **COURT OF APPEALS.**

#### **Affidavits.**

Judge of court of appeals.

Candidate seeking nomination in nonpartisan primary.

Filing of affidavit, §21-2-132.

#### **Certificates of election.**

Issuance, §21-2-502.

#### **Contests.**

Appeals from determination on contest petition, §21-2-528.

#### **Judge of court of appeals.**

Candidate seeking nomination in nonpartisan primary.

Filing of affidavit, §21-2-132.

Date of election, §21-2-9.

Filing of notice of candidacy and payment of fee, §21-2-132.

Form of ballot labels generally, §21-2-325.

Nonpartisan basis, §21-2-138.

Restriction on number of offices for which an individual may be nominated prior to any one election, §21-2-136.

### **COURT OF APPEALS—Cont'd**

#### **Judge of court of appeals—Cont'd**

Where office has multiple office-holders with same title.

Designation of specific office sought, §21-2-135.

#### **Nonpartisan election for judicial offices.**

Declaration of prevailing candidate as duly elected, §21-2-285.1.

Form of nonpartisan election ballot, §21-2-285.1.

Runoff election, §21-2-285.1.

#### **Nonpartisan primaries for judicial offices.**

Authorization, §21-2-151.

Date of nonpartisan primary, §21-2-150.

Form of ballot, §21-2-284.1.

Placement of nominee on nonpartisan election ballot, §21-2-284.1.

Primary runoff, §21-2-284.1.

#### **Procedures for qualification of candidates generally, §21-2-130.**

### **CRIMES AND OFFENSES.**

#### **Lists.**

Persons disqualified by reason of criminal conviction.

Preparation and filing of list, §21-2-232.

#### **Moral turpitude.**

Eligibility of candidates for nomination, §21-2-8.

### **CUSTODIANS.**

Defined, §21-2-2.

## D

### **DATA PROCESSING.**

#### **Lists.**

Computer run list of electors.

Furnishing, §21-2-234.

### **DATE OF ELECTIONS.**

**Certain officers, §21-2-9.**

**Primary elections, §21-2-150.**

Nonpartisan primary to nominate candidates for judicial offices, §21-2-150.

Presidential preference primaries, §21-2-191.

## INDEX

### DEATH.

#### Absentee voting.

Procedure as to ballots of deceased electors, §21-2-387.

#### Primaries.

Death of candidate.

Reopening qualification for office, §21-2-155.

Nonpartisan primaries.

Reopening qualification for office upon death of candidate, §21-2-155.

Special primary or election, §21-2-504.

### DEFINITIONS, §21-2-2.

Absentee elector, §21-2-380.

Any colorable imitation, §21-2-415.

Ballot cards, §21-2-2.

Ballot labels, §21-2-2.

Block, §21-2-3.

Call, §21-2-2.

Census county division, §21-2-3.

Contests, §21-2-520.

Custodians, §21-2-2.

Electors, §21-2-2.

General elections, §21-2-2.

Independent, §21-2-2.

Managers, §21-2-2.

Mandatory drug testing for candidates, §21-2-140.

Municipalities, §21-2-2.

Nomination, §21-2-2.

November election, §21-2-2.

Numbered list of voters, §21-2-2.

Oaths, §21-2-2.

Official ballot labels, §21-2-2.

Official ballots, §21-2-2.

Paper ballots, §21-2-2.

Party nomination, §21-2-2.

Political body, §21-2-2.

Political organization, §21-2-2.

Political party, §21-2-2.

Polling places, §21-2-2.

Poll officers, §21-2-2.

Precincts, §21-2-2.

Primaries, §21-2-2.

Public offices, §21-2-2.

Questions, §21-2-2.

Registration officers, §21-2-210.

Residence, §21-2-2.

Special elections, §21-2-2.

Special primaries, §21-2-2.

Superintendent, §21-2-2.

### DEFINITIONS—Cont'd

Swear, §21-2-2.

Tabulating machines, §§21-2-2, 21-2-310.

The call, §21-2-2.

Vote recorders, §§21-2-2, 21-2-310.

Voting machines, §§21-2-2, 21-2-310.

Write-in ballots, §21-2-2.

### DEPARTMENT OF

#### ADMINISTRATIVE SERVICES.

#### Fiscal division.

Presidential electors.

Payment of expenses in electoral college, §21-2-13.

### DIAGRAM.

Defined, §21-2-310.

#### Vote recorders.

See VOTE RECORDERS.

#### Voting machines.

See VOTING MACHINES.

### DISTRICT ATTORNEYS.

#### Certificates of election.

Issuance, §21-2-502.

Date of elections, §21-2-9.

Prosecutions connected with making false statements, §21-2-565.

#### Violations.

Forwarding evidence, etc., §21-2-565.

### DISTRICTS.

#### Congressional districts.

Block.

Defined, §21-2-3.

Constitutional or statutory boards or bodies.

Membership based on residency within congressional district, §21-2-4.1.

Designated, §21-2-4.

#### Precincts.

Each election district to constitute separate precinct, §21-2-260.

Generally.

See PRECINCTS.

### DRUG TESTS.

Mandatory drug testing for candidates, §21-2-140.

## INDEX

### E

#### **EDUCATION.**

##### **Boards of education.**

Nonpartisan elections for county offices, school boards, and school superintendents, §21-2-139.

##### **County school superintendents.**

Nonpartisan elections for county judicial offices, school boards, and school superintendents, §21-2-139.

##### **Local school superintendents.**

Nonpartisan elections for county judicial offices, school boards, and school superintendents, §21-2-139.

##### **Nonpartisan elections.**

County judicial offices, school boards, and school superintendents, §21-2-139.

##### **Polling places.**

Use of schools as polling place, §21-2-266.

##### **Principals.**

Appointment of high school principals or assistant principals as deputy registrars, §21-2-212.

##### **State school superintendent.**

Date of election, §21-2-9.

#### **ELECTION CODE.**

Applicability of chapter, §21-2-15.

Citation, §21-2-1.

Construction of chapter, §21-2-16.

Short title, §21-2-1.

#### **ELECTORAL COLLEGE.**

##### **Presidential electors generally.**

See PRESIDENTIAL ELECTORS.

#### **ELECTORS.**

Defined, §21-2-2.

##### **Handicapped persons.**

See HANDICAPPED PERSONS.

##### **Presidential electors.**

See PRESIDENTIAL ELECTORS.

##### **Registration.**

See REGISTRATION.

#### **EMBEZZLEMENT.**

##### **Registration.**

Rejection of application for conviction for embezzlement of public funds, §21-2-222.

#### **EMPLOYERS AND EMPLOYEES.**

Affording employees time off to vote, §21-2-404.

#### **ENGLISH LANGUAGE.**

Assisting electors unable to read English, §21-2-409.

#### **EXAMINATIONS.**

Nomination petitions, §21-2-171.

##### **Registration.**

Examination of applicants, §21-2-222.

Tabulating machines, §21-2-353.

##### **Vote recorders.**

Discretion of secretary of state, §21-2-353.

Examination required before use, §21-2-353.

Fees, §21-2-353.

Improvements and changes for which no examination required, §21-2-353.

Reexamination upon request of electors, §21-2-353.

Reports, §21-2-353.

### F

#### **FACSIMILE BALLOTS.**

Duty of superintendent to prepare, §21-2-400.

FALSE REGISTRATION, §21-2-561.

FALSE STATEMENTS, §21-2-560.

#### **FEES.**

##### **Candidates.**

Notice of candidacy, §21-2-132.

Qualification fees.

Distribution of fees paid, §21-2-131.

Fixing and publishing, §21-2-131.

Manner of payment, §21-2-131.

##### **Political parties.**

Registration.

Filing fee, §21-2-110.

##### **Presidential preference primary.**

Qualifying fee for candidates, §21-2-198.

##### **Vote recorders.**

Examination fee, §21-2-353.

#### **FELONIES.**

##### **Affidavits.**

Inspection.

Willful refusal by superintendent to permit public inspection, §21-2-585.

Taking or removing books, affidavits, returns or other documents of record, §21-2-562.

## INDEX

### FELONIES—Cont'd

#### Ballots.

Counterfeit ballot cards, §21-2-575.

Offenses by printers of ballots,  
§21-2-594.

Taking or removing books, affidavits,  
ballots or other documents of  
record, §21-2-562.

Unlawful possession, §21-2-574.

**Buying or selling votes, §21-2-570.**

#### Candidates.

Eligibility for party nomination of  
persons convicted of felonies,  
§21-2-8.

#### Documents.

Public inspection.

Willful refusal by secretary of state,  
§21-2-586.

Willful refusal by superintendent to  
permit, §21-2-585.

**False entries, etc., on registration cards,  
election lists, etc., §21-2-562.**

**Frauds by poll officers, §21-2-587.**

**Interference with primaries and  
elections, §21-2-566.**

#### Nomination petitions.

False statements on nomination  
petition, §21-2-563.

Willful destruction, fraudulent filing or  
suppression, §21-2-564.

#### Poll officers.

Frauds by poll officers, §21-2-587.

Interference with, §21-2-569.

#### Primaries.

Interference with primaries generally,  
§21-2-566.

#### Printers of ballots.

Offenses, §21-2-594.

**Punishment for felonies, §21-2-599.**

**Qualifications of voters generally,  
§21-2-219.**

#### Registration.

Making false statements, §21-2-219.

**Repeat voting in same primary or  
election, §21-2-572.**

#### Returns.

Public inspection.

Willful refusal by secretary of state,  
§21-2-586.

#### Secretary of state.

Removal, destruction, etc., of returns,  
petitions, etc., §21-2-586.

### FELONIES—Cont'd

#### Superintendents.

Destruction of affidavits, petitions,  
records, etc., §21-2-585.

#### Tabulating machines.

Tampering with or damaging,  
§21-2-582.

#### Vote recorders.

Tampering with or damaging,  
§21-2-582.

#### Votes.

Buying or selling or offering to buy or  
sell, §21-2-570.

#### Voting.

Repeat voting in same primary or  
election, §21-2-572.

#### Voting machines.

Tampering with or damaging,  
§21-2-580.

Unauthorized making or possession of  
key, §21-2-581.

### FORGERY AND COUNTERFEITING.

**Counterfeit ballot cards, §21-2-575.**

### FORMS.

**Absentee ballots, §§21-2-283, 21-2-287.**

#### Ballots.

Absentee ballots, §§21-2-283, 21-2-287.

Duty of superintendent to have forms  
on file for public inspection,  
§21-2-292.

Labels, §21-2-325.

Nonpartisan election for judicial  
offices, §21-2-285.1.

Nonpartisan primary for judicial  
offices, §21-2-284.1.

Official election ballot, §21-2-285.

Official primary ballot, §21-2-284.

#### Blanks forms.

Superintendent to obtain, §21-2-400.

**Change of residence of elector,  
§21-2-240.**

#### Clerks.

Oath of office, §21-2-95.

#### Managers.

Oath of office, §21-2-94.

**Nomination petitions, §21-2-170.**

**Official election ballot, §21-2-285.**

**Registration cards, §21-2-217.**

#### Returns.

Blank forms for making statements of  
returns, §21-2-492.

## INDEX

### FORMS—Cont'd

- Voters' certificates**, §21-2-402.
  - Blank forms.
  - Superintendent to obtain, §21-2-400.

### FRAUD.

#### Ballots.

- Depositing fraudulent ballots, §21-2-566.

#### Candidates.

- Eligibility for party nomination of persons convicted and sentenced for fraud, §21-2-8.

#### Contests.

- Grounds for contest, §21-2-522.

#### Making false statements under oath,

§21-2-560.

#### Notice of candidacy.

- Making false statements, §21-2-565.

#### Poll officers, §21-2-587.

#### Preparing or presenting to poll officers fraudulent voter's certificate,

§21-2-566.

#### Registration.

- False statements, §21-2-219.

## G

### GENERAL ASSEMBLY.

#### Certificates of election.

- Issuance, §21-2-502.

#### Date of election, §21-2-9.

#### Legislative counsel.

- Amendments to constitution or new constitution.

Summary of general amendments.

Printing, §21-1-2.

#### Nonpartisan elections.

- County judicial offices, school boards, and school superintendents.

Power of general assembly to provide by local act, §21-2-139.

#### Senate.

- President of the senate.

State election board.

Procedure as to filling of vacancy, §21-2-30.

#### Special elections, §21-2-544.

#### Vacancies.

- Filling.

Special elections, §21-2-544.

### GENERAL ELECTIONS.

#### Applicability of chapter, §21-2-15.

#### Defined, §21-2-2.

### GENERAL ELECTIONS—Cont'd

#### Nominations.

- Requirement of nomination in primary immediately preceding general election, §21-2-151.

### GEORGIA ELECTION CODE.

#### Short title, §21-2-1.

### GEORGIA PRESIDENTIAL

#### PREFERENCE PRIMARY LAW.

#### General provisions, §§21-2-190 to 21-2-200.

#### See PRESIDENTIAL PREFERENCE PRIMARY.

#### Short title, §21-2-190.

### GOVERNMENTAL SUBDIVISIONS.

#### Duty of registrars to furnish list of electors, §21-2-243.

### GOVERNOR.

#### Certificates of election.

- Issuance, §21-2-502.

#### Congress.

- United States senators.

Authority of governor to make temporary appointment, §21-2-542.

#### Date of election, §21-2-9.

#### Enumeration, certification, etc., of votes for presidential electors, §21-2-499.

#### Majority vote as prerequisite for nomination or election.

- Run-off primary or election when no candidate receives majority vote, §21-2-501.

#### Presidential preference primary.

- Determination of time, §21-2-191.

Proclamation by governor, §21-2-192.

#### Run-off election.

- Majority vote as prerequisite for election, §21-2-501.

#### Special election for member of general assembly.

- Governor to issue writ of election, §21-2-544.

#### Special election for United States congressional representative.

- Issuance of writ of election, §21-2-543.

#### Special election for United States senator.

- Authority of governor to make temporary appointment, §21-2-542.

#### State election board.

- Appointment of members, §21-2-30.

## INDEX

### **GOVERNOR—Cont'd**

#### **United States senators.**

Temporary appointment by governor, §21-2-542.

### **GRAND JURY.**

#### **Presentation of ballots.**

Lists of voters, etc., to grand jury, §21-2-500.

## H

### **HANDICAPPED PERSONS.**

#### **Absentee voting.**

Assistance in preparation of ballot, §21-2-385.

#### **Assisting electors having physical disabilities, §21-2-409.**

Voting without having to wait in line, §21-2-409.1.

#### **Ballots.**

Secrecy of ballots, Rule 183-1-11-.01.

#### **Polling places.**

Accessibility for elderly and handicapped voters, Rule 183-1-6-.04.

Facilities for handicapped, §21-2-265.

#### **Precincts using paper ballots.**

Procedure as to electors unable to sign name due to physical disability, §21-2-431.

#### **Precincts using voting machines.**

Electors unable to sign name at time of registration, §21-2-451.

Paper ballots for handicapped voters, §21-2-452.

#### **Registration.**

Places of registration.  
Access, Rule 183-1-6-.04.

#### **Vote recorders.**

Accommodations for handicapped voters, §21-2-470.

#### **Voting machines.**

Absentee ballots may be used when machines inaccessible, Rule 183-1-12-.10.

### **HEARINGS.**

#### **Contests, §21-2-525.**

#### **Political parties.**

State executive committees.  
Issuance of notice of opportunity for hearing to county committee, §21-2-112.

### **HEARINGS—Cont'd**

#### **Presidential preference primary.**

Hearing on request of candidates not selected, §21-2-193.

#### **Registrars.**

Reexamine qualifications of electors.

Notice of hearing to elector whose right to remain on list is questioned, §21-2-236.

#### **State board of elections.**

Hearings before board, §21-2-33.

### **HIGHWAYS.**

#### **Campaign posters, signs, advertisements, etc.**

Placement within right of way of public roads, §21-1-1.

### **HOLIDAYS.**

Next succeeding business day substituted, §21-2-14.

## I

### **IDENTIFICATION BADGES.**

Poll officers, §21-2-97.

### **INDEPENDENT.**

Defined, §21-2-2.

### **INDIGENT PERSONS.**

#### **Candidates.**

Filing of affidavit in lieu of qualifying fee, §21-2-132.

### **INJUNCTIONS.**

#### **State election board.**

Power to seek injunction, §21-2-32.

### **INSPECTIONS.**

#### **Ballots.**

Forms of ballots.

Duty to have form on file for public inspection, §21-2-292.

#### **Lists and registration cards open to public inspection, §21-2-242.**

#### **Precincts using vote recorders.**

Inspection of recorders by poll officers, §21-2-470.

#### **Returns.**

Public inspection of unsealed returns at office of superintendent, §21-2-491.

#### **Secretary of state.**

Refusal to permit public inspection of returns, petitions, etc., §21-2-586.

## INDEX

### INSPECTIONS—Cont'd

#### Superintendents.

Refusal by superintendent to permit public inspection of affidavits, petitions, records, etc., §21-2-585.

#### Vote recorders.

Secretary of state, §21-2-353.

#### Voting machines, §21-2-327.

### INSTRUCTION CARDS.

Contents, §21-2-400.

Destroying, defacing, etc., §21-2-583.

Duty of superintendent to obtain, §21-2-400.

Packing and delivery, §21-2-401.

#### Precincts using paper ballots.

Posting and distribution of instruction cards, §21-2-430.

#### Precincts using voting machines.

Posting cards of instruction, §21-2-450.

### INSURANCE.

#### Commissioner of insurance.

Copies of consolidated return of elections.

Filing of copies of return, §21-2-497.

Date of election, §21-2-9.

Majority vote as prerequisite for nomination or election.

Holding of run-off primary or election when no candidate received majority vote, §21-2-501.

Procedure for recount or recanvass of votes.

Losing candidate's right to recount, §21-2-495.

Restriction on number of offices for which an individual may be nominated prior to any one election, §21-2-136.

### INTERFERENCE WITH ELECTIONS, §21-2-566.

#### Poll watchers.

Removal of watchers interfering with conduct, §21-2-408.

### INTIMIDATION.

Electors, §21-2-567.

### INVESTIGATIONS.

#### Precincts.

Petition for alteration, division, etc., §21-2-262.

### INVESTIGATIONS—Cont'd

#### Returns.

Discrepancies in vote counts, §21-2-493.

#### State board of elections.

Hearings before board, §21-2-33.

## J

### JOINT COUNTY-MUNICIPAL BOARDS.

#### Creation.

Authorized, §21-2-45.

### JUDGES.

#### Contests.

Administrative judges.

Compensation of presiding judge, §21-2-523.

Notification of administrative judge, §21-2-523.

Selecting administrative judge of adjoining district, §21-2-523.

#### Court of appeals.

See COURT OF APPEALS.

Duties of judges on days of primaries and elections, §21-2-412.

#### Judicial offices.

See JUDICIAL OFFICES.

#### Juvenile courts.

Certificates of election, §21-2-502.

#### Superior courts.

See SUPERIOR COURTS.

#### Supreme court.

Justices.

See SUPREME COURT.

### JUDGMENTS AND DECREES.

#### Contests.

Pronouncement of judgment, §21-2-527.

### JUDICIAL OFFICES.

#### Nonpartisan election for judicial offices.

Declaration of prevailing candidate as duly elected, §21-2-285.1.

Form of ballot labels generally, §21-2-325.

Form of nonpartisan election ballot, §21-2-285.1.

Generally, §21-2-138.

Runoff election, §21-2-285.1.

#### Nonpartisan primaries for judicial offices.

Authorization, §21-2-151.

## INDEX

### **JUDICIAL OFFICES—Cont'd**

#### **Nonpartisan primaries for judicial offices—Cont'd**

- Date of nonpartisan primary to nominate candidates, §21-2-150.
- Form of ballot, §21-2-284.1.
- Form of ballot labels generally, §21-2-325.
- Placement of nominee or nonpartisan election ballot, §21-2-284.1.
- Primary runoff, §21-2-284.1.

### **JURISDICTION.**

#### **Contests.**

- Superior court to have jurisdiction, §21-2-523.

### **JURY.**

#### **Contest.**

- Jury trial authorized upon request, §21-2-526.
- Procedure upon trial by jury, §21-2-526.

### **JUVENILE COURTS.**

#### **Judges.**

- Certificates of election, §21-2-502.

## L

### **LABELS.**

#### **Ballot labels.**

- See BALLOTS.

### **LABOR AND INDUSTRIAL RELATIONS.**

#### **Affording employees time off to vote,** §21-2-404.

#### **Commissioner of labor.**

- Date of election, §21-2-9.

### **LAW ENFORCEMENT OFFICERS AND AGENCIES.**

#### **Polling places.**

- Requirements as to conduct of voters, campaigners, etc., at polling places generally, §21-2-413.

### **LEASES.**

#### **Tabulating machines.**

- Power of county governing authorities, §21-2-351.

#### **Vote recorders.**

- Power of county governing authorities, §21-2-351.

### **LEGISLATIVE COUNSEL.**

#### **Constitution of Georgia.**

- Amendments to constitution of 1976.
- Printing of summary of general amendments, §21-1-2.

### **LIEUTENANT GOVERNOR.**

#### **Copies of consolidated return of elections.**

- Filing of copies of return, §21-2-497.

#### **Date of election,** §21-2-9.

#### **Majority vote as prerequisite for nomination or election.**

- Holding of run-off primary or election when no candidate receives majority vote, §21-2-501.

#### **Presidential preference primary.**

- Determination of date, §21-2-191.

#### **Procedure for recount or recanvass of votes.**

- Losing candidate's right to a recount, §21-2-495.

#### **Restriction on number of offices for which an individual may be**

- nominated prior to any one election,** §21-2-136.

### **LISTS.**

#### **Absentee voting,** §21-2-230.

- Cancellation of absentee ballots of electors who are present.

- Notation on list, §21-2-388.

- Master list of ballots sent, §21-2-384.

- Rejection of ballots.

- Procedure upon, §21-2-386.

#### **Appearance of name on lists as**

- prerequisite to voting,** §21-2-234.

#### **Arrangement,** §21-2-234.

#### **Authentication,** §21-2-401.

#### **Blank forms.**

- Superintendent to obtain, §21-2-400.

#### **Board of registrars.**

- Examination of qualifications of electors listed, §21-2-236.

- Reexamine qualifications of electors listed, §21-2-236.

#### **Candidates.**

- Presidential preference primaries.

- Potential presidential candidates, §21-2-193.

- Primaries.

- Posting lists of qualified candidates, §21-2-153.

## INDEX

### LISTS—Cont'd

#### Candidates—Cont'd

Qualifying fees.

Transmission to superintendent with party's list of candidates, §21-2-131.

#### Challenges.

See CHALLENGES.

#### Change of residence of elector.

Application to have name placed on list, §21-2-240.

#### Checked list of electors.

Return to superintendent, §21-2-411.

#### Clerks of court.

Voters disqualified by reason of criminal conviction, insanity, etc.

Preparation and filing, §21-2-232.

#### Close of polls.

Comparison of number of electors shown voting with elector's list.

Duties of poll officers, §21-2-436.

Procedure after list sealed, §21-2-437.

#### Computer run lists.

Furnishing, §21-2-234.

#### Consolidated returns of elections and primaries.

Copies to secretary of state.

Copies of lists of voters to accompany, §§21-2-496, 21-2-497.

#### Contents, §21-2-401.

#### Copies, §21-2-234.

#### Criminal convictions.

Preparation and filing of list of voters disqualified for criminal conviction, §21-2-232.

#### Custodians, §21-2-405.

#### Dead voters.

Preparation and filing of list, §21-2-232.

#### Delivery to clerk of superior court,

§21-2-500.

#### Destroying, defacing, etc., §21-2-583.

#### Disqualified voters.

Preparation and filing, §21-2-232.

#### Distribution to managers by registrars,

§21-2-401.

#### Effect of name appearing in list,

§21-2-238.

#### Entitlement of qualified electors on list to vote in election.

After list filed, §21-2-235.

#### Execution of voter's certificate.

Procedure, §21-2-431.

### LISTS—Cont'd

#### False entries on lists, §21-2-562.

Prohibited acts by poll officers, §21-2-587.

#### False information or refusal to give information.

Removal of electors name from list, §21-2-223.

#### Filing.

Qualified electors may vote after filing, §21-2-235.

#### Furnishing list for election held in governmental subdivisions,

§21-2-243.

#### Grand jury.

Presentation of list.

Grand jury, §21-2-500.

#### Identification of voter on ballot.

Void ballots.

Exception as to ballot of challenged elector whose name appears on list, §21-2-438.

#### Inspections.

List open to public inspection, §21-2-242.

#### Managers.

Chief manager and assistant managers.

List of eligible persons, §21-2-90.

#### Mentally ill.

Preparation and filing of list of voters disqualified by reason of mental incompetency, §21-2-232.

#### Misdemeanors.

Destroying or defacing posted lists of candidates, §21-2-583.

Use for commercial purposes, §21-2-600.

#### Numbered lists of voters.

Defined, §21-2-2.

#### Omission from list.

Authority of registrars to place such electors erroneously omitted on list, §21-2-407.

Duty of registrars to review qualifications of electors erroneously omitted, §21-2-407.

Wilful omissions by poll officers, §21-2-589.

#### Persons not on registration list.

Procedure for registration, §21-2-227.

#### Physical disability.

Notation on list.

Prerequisite for assistance, §21-2-409.

## INDEX

### LISTS—Cont'd

#### Poll watchers.

Prohibited from checking electors lists,  
§21-2-408.

#### Precincts using paper ballots.

##### Binders.

Voter's certificate binder constitutes  
official list of electors, §21-2-432.

#### Precincts using voting machines.

Seal and return of list upon completion  
of vote count and tabulation,  
§21-2-456.

Voter's certificate binder constitutes  
official list, §21-2-453.

#### Preparation.

Duties of registrars, §21-2-233.

#### Preservation and destruction, §21-2-500.

#### Primaries.

Qualified candidates, §21-2-153.

#### Questioning right to remain on list.

Notice, §21-2-225.

#### Registrars.

See REGISTRATION.

#### Registration card.

When applicant's name added to list,  
§21-2-217.

#### Removal from custody of officer in charge, §21-2-242.

#### Removal from lists, §21-2-231.

Notification, §21-2-225.

Request of voter, §21-2-246.

Voluntary removal, §21-2-246.

#### Reregistration of voters purged from list of electors, §21-2-219.

#### Return of elector's list to superintendent, §§21-2-411, 21-2-440.

#### Return receipts, §21-2-401.

#### Secretary of state.

Filing certified list of qualified electors  
with secretary, §21-2-234.

Furnishing numbered list of voters to  
superintendents, §21-2-50.

#### Signatures.

Procedure as to elector unable to sign  
name at time of registration,  
§21-2-451.

#### Special elections and primaries, §§21-2-228, 21-2-229.

Time for closing registration list,  
§21-2-541.

#### Superintendents.

Duties as to, §21-2-70.

#### Tampering with lists, §21-2-566.

### LISTS—Cont'd

Use for commercial purposes, §21-2-234.  
Misdemeanor, §21-2-600.

#### Voting machines.

Close of polls.

Comparison of public counter of  
machine with elector's list.

Duties of poll officers, §§21-2-454,  
21-2-455.

## M

### MAJORITY VOTE.

Holding of run-off primary or election  
when no candidate receives majority  
vote, §21-2-501.

Prerequisite for nomination or election,  
§21-2-501.

### MALFEASANCE IN OFFICE.

Eligibility for party nomination of  
persons convicted and sentenced,  
§21-2-8.

### MANAGERS.

#### Absentee voting.

Delivery of ballots to manager,  
§21-2-386.

Opening envelopes and depositing  
ballots in box, §21-2-386.

Surrender of absentee ballot to poll  
manager, §21-2-388.

#### Assistant managers.

Appointment, §21-2-90.

#### Assisting electors having physical disabilities.

Oath of elector, §21-2-409.

#### Ballot cards.

Disposition of voted and defective  
cards, §21-2-472.

Spoiled or defaced cards, §21-2-470.

#### Ballot labels.

Preparation of labels, §21-2-326.

Printing when use of vote recorder  
impossible, §21-2-356.

#### Ballots.

Deceased electors.

Return by managers, §21-2-387.

Designation of poll officers to count  
and tally party's ballots, §21-2-437.

Disposition of ballots appearing not to  
be official, §21-2-434.

#### Chief manager.

Appointment, §21-2-90.

## INDEX

### **MANAGERS—Cont'd**

#### **Compensation.**

Superintendent to fix and pay compensation, §21-2-98.

#### **Defined, §21-2-2.**

#### **Lists.**

Distribution by registrars, §21-2-401.

#### **Qualified persons.**

Submission of lists by political parties, §21-2-90.

Return of check list of electors to superintendent, §§21-2-411, 21-2-440.

Seal and return of elector's list upon completion of vote count and tabulation, §21-2-456.

#### **Oath of office, §21-2-93.**

Administration of oaths by managers, §21-2-96.

Form of oath, §21-2-94.

Refusal to administer oath to poll officer, §21-2-584.

#### **Opening packages furnished by superintendent, §21-2-430.**

#### **Political parties.**

Submission of lists for appointment, §21-2-90.

#### **Polling places.**

Conduct of voters, campaigners, etc., at polling places.

Duty of manager to enforce section, §21-2-413.

Failure of chief manager to appear at polling place, §21-2-405.

#### **Poll watchers.**

Interference with conduct of election, §21-2-408.

#### **Precincts.**

Reduction in size of precincts.

Report of chief manager, §21-2-263.

#### **Precincts using paper ballots.**

Counting of mutilated ballots, §21-2-439.

#### **Reports.**

Reduction in size of districts containing more than two thousand electors.

Report of chief manager, §21-2-263.

#### **Returns.**

##### **Ballot cards.**

Disposition of voted ballot cards, defective cards, etc., §21-2-472.

Delivery of copies to superintendent, §21-2-440.

### **MANAGERS—Cont'd**

#### **Returns—Cont'd**

Preparation, signing and disposition, §21-2-472.

Public inspection of unsealed returns at office of superintendent, §21-2-491.

#### **Secretary of state.**

Duty to furnish oaths of managers, §21-2-50.

#### **Vote recorders.**

Use of ballot labels when vote recorder inoperable, §21-2-356.

#### **Voting machines.**

Delivery of keys to chief manager, §21-2-329.

Opening packages furnished by superintendent, §21-2-450.

Reading counters, §21-2-455.

Return of number or designation of voting machine to superintendent, §21-2-454.

#### **Write-in ballots.**

Designing ballots to permit manager to detect unauthorized write-in votes, §21-2-358.

Envelope containing write-in ballots sealed and signed by managers, §21-2-473.

### **MANDAMUS.**

#### **State election board.**

Power to seek mandamus, §21-2-32.

### **MENTAL HEALTH AND MENTAL RETARDATION.**

#### **Commitment to institution for mentally ill.**

Rules for determining residence for voting purposes, §21-2-241.

#### **Lists.**

Preparation and filing of list of voters disqualified by mental incompetency, §21-2-232.

#### **Qualifications of voters generally, §21-2-219.**

### **MILITARY AFFAIRS.**

#### **Rules for determining residence, §21-2-241.**

### **MISDEMEANORS.**

#### **Absentee voting.**

Falsification of information so as to vote illegally by absentee ballot, §21-2-384.

Unqualified absentee voting, §21-2-573.

## INDEX

### MISDEMEANORS—Cont'd

#### Advertisements.

Improper placement, §21-1-1.

#### Affidavits.

Willful refusal by superintendent to permit public inspection, §21-2-585.

#### Ballots.

Absentee ballots.

Falsification of information so as to vote illegally by absentee ballot, §21-2-384.

Voting by absentee ballot without being qualified to vote in such manner, §21-2-573.

Casting unofficial ballot, §21-2-579.

Destroying, etc., or delaying delivery, §21-2-576.

Fraudulently allowing ballot card to be seen, §21-2-579.

Improper removal of ballots from book of official ballots, §21-2-577.

Prying into ballots and ballot cards, §21-2-578.

**Campaign activities within vicinity of polling place, §21-2-414.**

#### Campaign literature.

Unauthorized use of another's name for purposes of endorsing, etc., campaign material, §21-2-415.

#### Campaign posters, signs and advertisements.

Placement within right of way of public roads or property, §21-1-1.

**Failure to deliver certain documents, §21-2-562.**

**False registration, §21-2-561.**

**False statements, §21-2-560.**

**Hindering the voting of others, §21-2-583.**

**Inducing elector to reveal how ballot has been marked, §21-2-568.**

**Influencing voter, §21-2-568.**

#### Instruction cards.

Destroying, defacing, etc., §21-2-583.

**Intentional hindrance or interference with the performance of acts or duties authorized by chapter, §21-2-597.**

**Interference with elector's marking of ballot, §21-2-568.**

**Intimidation of electors, §21-2-567.**

### MISDEMEANORS—Cont'd

#### Lists.

Destroying or defacing posted lists of candidates, §21-2-583.

Use for commercial purposes, §21-2-600.

#### Oaths.

Managers.

Refusal to administer oath to poll officer, §21-2-584.

#### Omissions.

Willful omissions by poll officers, §21-2-589.

#### Performance of duties by public officers generally.

Failure, §21-2-596.

#### Petitions.

Willful refusal by secretary of state to permit public inspection, §21-2-586.

Willful refusal by superintendent to permit public inspection, §21-2-585.

#### Polling places.

Improper campaign activities within vicinity of polling place, §21-2-414.

Quelling disturbances at polling places. Refusal of law enforcement officers, §21-2-593.

Refusal of law enforcement officers to remove obstacles from entrances, §21-2-593.

#### Poll officers.

Acting without being sworn, §21-2-584.

Count of votes by poll officer before close of polls, §21-2-588.

Failure to keep and return records of assisted voters, §21-2-592.

Giving false certification as to swearing of poll officer, §21-2-584.

Permitting unlawful assistance to voters, §21-2-591.

Permitting unregistered persons to vote, §21-2-590.

Refusal of manager to administer oath to poll officer, §21-2-584.

Refusing to permit qualified electors to vote, §21-2-590.

Willful omissions by poll officers, §21-2-589.

#### Posted lists of candidates.

Destroying or defacing, §21-2-583.

#### Public officers.

Failure to perform duties, §21-2-596.

## INDEX

### **MISDEMEANORS—Cont'd**

**Punishment for misdemeanors,**  
§21-2-598.

**Receiving unauthorized assistance in voting,** §21-2-579.

#### **Records.**

Assisted voters.

Failure of poll officers to keep and return record, §21-2-592.

Willful refusal by superintendent to permit public inspection,  
§21-2-585.

#### **Registration of voters.**

False entries on registration cards,  
§21-2-562.

False registration, §21-2-561.

Making false statements, §21-2-219.

Poll officer permitting unregistered persons to vote, §21-2-590.

#### **Returns.**

Willful refusal by secretary of state to permit public inspection,  
§21-2-586.

#### **Secretary of state.**

Refusal to permit public inspection of returns, petitions, etc., §21-2-586.

#### **Sentencing.**

Punishment for misdemeanors,  
§21-2-598.

#### **Superintendents.**

Refusal to permit public inspection of affidavits, petitions, records, etc.,  
§21-2-585.

#### **Tally of votes.**

Count of votes by poll officer before close of polls, §21-2-588.

**Unauthorized entry into voting booth,**  
§21-2-568.

#### **Voting.**

Assisted voters.

Failure of poll officers to keep and return record, §21-2-592.

Count of votes by poll officer before close of polls, §21-2-588.

Intentional hindrance of or interference with performance of any act or duty authorized or imposed by chapter, §21-2-597.

Receiving unauthorized assistance in voting, §21-2-579.

Unlawful assistance to voters.

Poll officers permitting, §21-2-591.

Unqualified electors, §21-2-571.

### **MISDEMEANORS—Cont'd**

#### **Voting—Cont'd**

Unregistered voters.

Poll officer permitting, §21-2-590.

Willfully hindering the voting of others, §21-2-583.

#### **Voting booths.**

Unauthorized entry, §21-2-568.

### **MISTAKES.**

**Correction of mistakes and omissions on ballot,** §21-2-293.

### **MORAL TURPITUDE.**

**Qualifications of voters generally,**  
§21-2-219.

### **MULTIPLE VOTING.**

**Checking procedure,** Rule 183-1-6-.02.

### **MUNICIPAL CORPORATIONS.**

#### **Superintendents.**

Vote recorders.

Placement of ballot labels on recorder, §21-2-357.

### **MUNICIPAL ELECTIONS.**

#### **Counties.**

Authorization for county to conduct elections, §21-2-45.

#### **Joint county-municipal boards of election.**

Creation authorized, §21-2-45.

### **MUNICIPALITY.**

**Defined,** §21-2-2.

## N

### **NAMES.**

**Unauthorized use of another's name for purposes of endorsing,** §21-2-415.

### **NOMINATION CONVENTIONS.**

**Presidential electors and candidates,**  
§21-2-172.

**Presidential preference primary.**

See PRESIDENTIAL PREFERENCE PRIMARY.

### **NOMINATIONS.**

#### **Certificates.**

Destruction or fraudulent filing,  
§21-2-564.

#### **Contests.**

Grounds for contest, §21-2-522.

## INDEX

### **NOMINATIONS—Cont'd**

#### **Conventions.**

State-wide public offices, §§21-2-172,  
21-2-180 to 21-2-187.

See CONVENTIONS.

#### **Crimes of moral turpitude.**

Eligibility of persons convicted and  
sentenced, §21-2-8.

#### **Defined, §21-2-2.**

#### **Eligibility for nomination, §21-2-7.**

#### **Failure to fill particular nomination.**

Special primary or election, §21-2-504.

#### **Felonies.**

Eligibility of persons convicted of  
felonies, §21-2-8.

#### **Fraudulent violation of election laws.**

Eligibility of persons convicted and  
sentenced, §21-2-8.

#### **Majority vote as prerequisite for nomination, §21-2-501.**

#### **Malfeasance in office.**

Eligibility of persons convicted and  
sentenced, §21-2-8.

#### **Number of offices for which individual may be nominated, §21-2-136.**

#### **Party nomination.**

Defined, §21-2-2.

#### **Petitions.**

Amendments, §21-2-170.

#### **Appeals.**

Review of denial, §21-2-171.

Basis for grant or denial, §21-2-171.

Circulation, §21-2-170.

#### **Conventions.**

State-wide public offices, §§21-2-172,  
21-2-180 to 21-2-186.

See CONVENTIONS.

Defacing or destroying, §21-2-564.

Examination, §21-2-171.

Filing, §§21-2-132, 21-2-170.

Form, §21-2-170.

Generally, §21-2-170.

Improper signing, alteration, etc.,  
§21-2-563.

Number of signatures required,  
§21-2-170.

Presenting to secretary of state,  
§21-2-171.

Signature by electors, §21-2-170.

Time for filing, §21-2-132.

Willful destruction, §21-2-564.

#### **Political parties.**

See POLITICAL PARTIES.

### **NOMINATIONS—Cont'd**

#### **Poll officers.**

Eligibility, §21-2-92.

#### **Presidential electors, §21-2-172.**

#### **Primaries.**

Qualification of candidates for party  
nomination, §21-2-153.

#### **Restriction on number of offices for which individual may be nominated, §21-2-136.**

#### **Substitute nominations, §21-2-134.**

#### **Superintendents.**

Examination of petitions, §21-2-171.

### **NONPARTISAN ELECTIONS.**

#### **County judicial offices, school boards, and school superintendents.**

Generally, §21-2-139.

Power of general assembly to provide  
by local act, §21-2-139.

#### **Judicial offices, §21-2-138.**

Declaration of prevailing candidate as  
duly elected, §21-2-285.1.

Form of nonpartisan election ballot,  
§21-2-285.1.

Runoff election, §21-2-285.1.

### **NOTICE.**

#### **Absentee voting.**

Notification of challenged elector,  
§21-2-386.

#### **Candidates.**

Filing notice of candidacy, §21-2-132.

Write-in candidates, §21-2-133.

Affidavit of publication, §21-2-133.

#### **Challenges, §21-2-237.**

#### **Lists.**

Removal of elector's name from list,  
§21-2-225.

#### **Penalties.**

Blank forms.

Superintendent to obtain, §21-2-400.

Paper ballots, §21-2-430.

#### **Political parties.**

State executive committees.

Notice of opportunity for hearing  
upon belief of impartial  
application of rules and  
regulations by county committee,  
§21-2-112.

#### **Precincts using paper ballots.**

Notices of penalties, §21-2-430.

#### **Registration.**

Cancellation of registration for failure  
to exercise vote, §21-2-231.

## INDEX

### **NOTICE—Cont'd**

#### **Registration—Cont'd**

Questioning right of person to remain on list of electors, §21-2-225.

Rejection of application, §21-2-225.

#### **Returns.**

When and where returns will be computed, §21-2-492.

#### **Voting machines.**

Notice of preparation, §21-2-327.

### **NOVEMBER ELECTIONS.**

**Date of election for governor, congressmen, etc.,** §21-2-9.

**Defined,** §21-2-2.

#### **Registration.**

Deadline for receiving applications, §21-2-220.

### **NUMBERED LIST OF VOTERS.**

**Defined,** §21-2-2.

**List generally.**

See **LISTS.**

## O

### **OATHS.**

#### **Absentee voting.**

Oath of absentee electors, §21-2-384.

#### **Blank forms.**

Superintendent to obtain, §21-2-400.

**Clerks,** §21-2-93.

Form of oath, §21-2-95.

**Defined,** §21-2-2.

**False statements under oath,** §21-2-560.

**Making false entries, etc.,** §21-2-562.

**Managers,** §21-2-93.

Administration of oaths by managers, §21-2-96.

Form of oath, §21-2-94.

Refusal to administer oath to poll officer, §21-2-584.

#### **Misdemeanors.**

**Managers.**

Refusal to administer oath to poll officer, §21-2-584.

#### **Poll officers.**

See **POLL OFFICERS.**

#### **Presidential preference primary.**

Qualification oath of delegates, §21-2-196.

**Registrars,** §21-2-214.

#### **Registration.**

Administration of oaths to applicants, §21-2-221.

### **OATHS—Cont'd**

#### **Registration—Cont'd**

Reading of oath to applicant, §21-2-221.

#### **Returns.**

Swearing of individuals assisting in computation of returns, §21-2-492.

**Violations,** §21-2-584.

### **OFFICERS.**

#### **Arrest.**

Registration officers.

Privilege from arrest, §21-2-215.

#### **Clerks.**

See **CLERKS.**

#### **Constitutional officers election board.**

See **CONSTITUTIONAL OFFICERS ELECTION BOARD.**

#### **Managers.**

See **MANAGERS.**

#### **Persons convicted for fraud, etc.**

Eligibility for holding public office, §21-2-8.

#### **Political parties.**

See **POLITICAL PARTIES.**

#### **Poll officers.**

See **POLL OFFICERS.**

#### **Registrars.**

See **REGISTRATION.**

### **OFFICIAL BALLOT.**

**Defined,** §21-2-2.

#### **General provisions.**

See **BALLOTS.**

### **OFFICIAL BALLOT LABEL.**

**Defined,** §21-2-2.

#### **General provisions.**

See **BALLOTS.**

### **OPENING POLLS.**

**Precincts using voting machines,** §21-2-450.

**Time,** §21-2-403.

### **OPTICAL SCAN VOTING SYSTEMS.**

**Use,** §21-2-365.

## P

### **PAPER BALLOTS.**

**Defined,** §21-2-2.

#### **General provisions.**

See **BALLOTS.**

### **PARTIES.**

**Defined,** §21-2-2.

## INDEX

### **PARTIES—Cont'd**

#### **General provisions.**

See POLITICAL PARTIES.

### **PARTY NOMINATION.**

#### **Defined, §21-2-2.**

#### **General provisions.**

See NOMINATIONS.

### **PEACE OFFICERS.**

#### **Polling places.**

Refusal to quell disturbances,  
§21-2-593.

Refusal to remove obstacles from  
entrances, §21-2-593.

Requirements as to conduct of voters,  
campaigners, etc., at polling places  
generally, §21-2-413.

### **PENALTIES.**

#### **Campaign activities within vicinity of polling place, §21-2-414.**

#### **Campaign literature.**

Unauthorized use of another's name  
for purposes of endorsing, etc.,  
campaign material, §21-2-415.

#### **False registration, §21-2-561.**

#### **False statements, §21-2-560.**

#### **Precincts using paper ballots.**

Notice of penalties, §21-2-430.

#### **Punishment for felonies, §21-2-599.**

### **PETITIONS.**

#### **Contests.**

See CONTESTS.

#### **Nomination by convention.**

State-wide public offices, §§21-2-172,  
21-2-180 to 21-2-186.

See CONVENTIONS.

#### **Nomination petitions.**

See NOMINATIONS.

#### **Polling places.**

Change of polling place.  
Petition objecting to proposed  
change, §21-2-265.

#### **Precincts.**

Division, alteration, etc., §21-2-262.

#### **State board of elections.**

Authority to file petitions, §21-2-32.

#### **Superintendent.**

Refusal to permit public inspection,  
§21-2-585.

### **POLICE.**

#### **Polling places.**

Quelling disturbances at polling places,  
§21-2-593.

### **POLICE—Cont'd**

#### **Polling places—Cont'd**

Removal of obstacles from entrances,  
§21-2-593.

### **POLITICAL BODIES.**

#### **Defined, §21-2-2.**

### **POLITICAL ORGANIZATIONS.**

#### **Defined, §21-2-2.**

### **POLITICAL PARTIES.**

#### **Ballots.**

Failure to file registration statement.

Candidates' names not placed on  
ballot, §21-2-110.

#### **Candidates.**

General provisions.

See CANDIDATES.

#### **Chief executive committees.**

Establishment, §21-2-113.

Jurisdiction, §21-2-113.

Rules and regulations, §21-2-113.

#### **Conventions.**

Nomination by convention.

State-wide public offices, §§21-2-172,  
21-2-180 to 21-2-186.

See CONVENTIONS.

Nomination by election.

Qualification of candidates by,  
§21-2-130.

Nomination of presidential electors,  
§21-2-172.

#### **County executive committees.**

Applicability to persons seeking party  
office in primary, §21-2-111.

Duties, §21-2-111.

Establishment, §21-2-113.

Jurisdiction, §21-2-113.

Membership, §21-2-111.

Officers, §21-2-111.

Precincts.

Petition for division, alteration, etc.,  
§21-2-262.

Rules and regulations, §21-2-113.

#### **Defined, §21-2-2.**

#### **Managers.**

Submission of lists for appointment,  
§21-2-90.

#### **National conventions.**

Primaries occurring same week of  
national convention, §21-2-150.

#### **Nominations.**

Authority of party to nominate  
candidates, §21-2-151.

## INDEX

### **POLITICAL PARTIES—Cont'd**

#### **Nominations—Cont'd**

Certification by political party of person qualifying with another party, §21-2-137.

Qualification for nomination with more than one political party, §21-2-137.

Substitute nominations, §21-2-134.

#### **Officers.**

Failure to perform duties generally, §21-2-596.

Presidential preference primary.

Party authorized to elect officers in primary, §21-2-199.

#### **Polling places.**

Provision of space for parties holding primaries, §21-2-265.

#### **Presidential electors.**

Nomination, §21-2-172.

#### **Presidential preference primary.**

See PRESIDENTIAL PREFERENCE PRIMARY.

#### **Registration.**

Amendment of registration statement, §21-2-110.

Contents of statement, §21-2-110.

Failure to file statement, §21-2-110.

Filing fees, §21-2-110.

Filing of statement, §21-2-110.

Identical names, §21-2-110.

#### **Rules and regulations.**

See RULES AND REGULATIONS.

#### **State executive committees.**

Applicability to persons seeking party office and primary, §21-2-111.

Duties, §21-2-111.

Establishment, §21-2-111.

Hearings.

Issuance of notice of opportunity for hearing upon belief of impartial, etc., application of rules and regulations, §21-2-112.

Membership, §21-2-111.

National nominating conventions.

Selection of delegates, etc., to conventions, §21-2-195.

Officers, §21-2-111.

Reopening of qualification for office in event of candidate's death prior to primary, §21-2-155.

#### **Vacancies in party nomination.**

Substitute nominations to fill vacancies, §21-2-134.

### **POLITICAL PARTIES—Cont'd**

#### **Vote recorders.**

Use of separate recorders for each party, §21-2-355.

#### **POLLING PLACES.**

**Blocking polling places,** §21-2-566.

#### **Booths.**

Arrangement, §21-2-267.

Unauthorized entry, §21-2-568.

#### **Campaign activities.**

Restrictions within vicinity of polling place, §21-2-414.

**Central voting location,** §21-2-238.

Duplicate voting checking procedure, Rule 183-1-6-.02.

**Change of polling place,** §21-2-265.

Petition objecting to proposed change, §21-2-265.

**Compensation for rent, heat, light and janitorial services,** §21-2-268.

**Conduct of voters, campaigners, etc.,** §21-2-413.

**Construction of rooms for use as temporary polling places,** §21-2-269.

**Defined,** §21-2-2.

#### **Disturbances at polling places.**

Refusal by law enforcement officers to quell, §21-2-593.

**Equipment,** §21-2-267.

Storage, §21-2-267.

**Fixing by superintendent,** §21-2-265.

#### **Handicapped persons.**

Accessibility for elderly and handicapped voters, Rule 183-1-6-.04.

Facilities, §21-2-265.

**Misdemeanors,** §21-2-593.

#### **Obstacles.**

Refusal of law enforcement officers to remove obstacles from entrances, §21-2-593.

**Persons entitled to vote in each precinct,** §21-2-238.

#### **Petitions.**

Objections to proposed change, §21-2-265.

**Place of voting where change is made in county lines,** §21-2-239.

#### **Police.**

Quelling disturbances at polling places, §21-2-593.

Removal of obstacles from entrances, §21-2-593.

## INDEX

### **POLLING PLACES—Cont'd**

#### **Political parties.**

Provision of space in polling place for political parties holding primaries, §21-2-265.

**Portable or movable polling facilities,** §21-2-266.

#### **Precincts using paper ballots.**

Removal of individual ballots from polling place, §21-2-434.

#### **Public buildings.**

Used as polling place, §21-2-266.

**Run-off primaries,** §21-2-270.

#### **School.**

Used as polling place, §21-2-266.

**Selection by superintendent,** §21-2-265.

**Solicitation within polling place,** §21-2-413.

#### **Superintendent.**

Change of polling place, §21-2-265.

Compensation for rent, heat, light and janitorial services, §21-2-268.

Duty to fix polling places, §21-2-265.

Selection of public buildings, §21-2-266.

#### **Temporary polling places.**

Construction of rooms, §21-2-269.

**Time for opening and closing,** §21-2-403.

#### **Violations.**

See VIOLATIONS.

#### **Voting machines.**

Arrangement by superintendent, §21-2-267.

### **POLL OFFICERS.**

**Assignments upon temporary absence,** §21-2-405.

**Compensation,** §21-2-98.

#### **Contests.**

Finding of misconduct by poll officers, §21-2-527.

**Count of votes by officer before closing of polls,** §21-2-588.

**Custodians of list, ballots, etc.,** §21-2-405.

**Defined,** §21-2-2.

**Distributing materials within vicinity of polling place,** §21-2-414.

#### **Duties.**

Public performance, §21-2-406.

**Eligibility for nomination to public office,** §21-2-92.

### **POLL OFFICERS—Cont'd**

**Failure to appear on day of election,** §21-2-405.

**Fraud,** §21-2-587.

**Identification badges,** §21-2-97.

#### **Instructions.**

Officers authorized to give instructions upon request, §21-2-410.

**Interfering with poll officers,** §§21-2-566, 21-2-569.

#### **Managers.**

See MANAGERS.

#### **Manner of voting.**

Assistance upon request, §21-2-410.

**Meeting at place of primary or election,** §21-2-405.

#### **Misconduct.**

Contests.

Effect of finding of misconduct by poll officers, §21-2-527.

#### **Misdemeanors.**

Acting without being sworn, §21-2-584.

Count of votes before close of polls, §21-2-588.

Failure to keep and return record of assisted voters, §21-2-592.

Permitting unlawful assistance to voters, §21-2-591.

Permitting unregistered persons to vote, §21-2-590.

Refusing to permit qualified electors to vote, §21-2-590.

Willful omissions by poll officers, §21-2-589.

#### **Oaths.**

Acting without being sworn, §21-2-584.

Blank forms, §21-2-400.

Giving of false certification as to swearing of poll officer, §21-2-584.

Refusal of manager to administer oath, §21-2-584.

#### **Paper ballots.**

Duties of poll officers, §21-2-436.

**Permitting unregistered persons to vote,** §21-2-590.

**Persons convicted and sentenced for fraud, etc.**

Eligibility for holding office, §21-2-8.

#### **Precincts using paper ballots.**

Certification of vote and preparation of returns, §21-2-437.

Duties of officers after close of polls, §21-2-436.

## INDEX

### **POLL OFFICERS—Cont'd**

#### **Precincts using paper ballots—Cont'd**

Exclusivity of privilege and duty to detach and distribute ballots, §21-2-434.

Signing general returns, §21-2-440.

#### **Precincts using vote recorders.**

Duties after close of polls, §21-2-473.

Inspection of recorders by officers, §21-2-470.

#### **Primaries.**

Conduct of elections by poll officers, §21-2-152.

#### **Qualifications, §21-2-92.**

#### **Records.**

Failure to keep and return record of assisted voters, §21-2-592.

#### **Refusing to permit qualified electors to vote, §21-2-590.**

#### **Salaries, §21-2-98.**

#### **Threatening violence, §21-2-566.**

#### **Unlawful assistance to voters, §21-2-591.**

#### **Violations.**

See VIOLATIONS.

#### **Vote recorders.**

Instruction as to use, §21-2-99.

#### **Voting machines.**

Duties after close of polls, §21-2-454.

Instruction of poll officers as to use, §21-2-99.

#### **Willful omissions, §21-2-589.**

### **POLL WATCHERS.**

#### **Badge.**

Required, Rule 183-1-13-.04.

#### **Candidates.**

Ineligibility to serve as poll watcher, §21-2-408.

#### **Designation, §21-2-408.**

Notification to superintendent, Rule 183-1-13-.03.

#### **Interference with conduct of elections.**

Removal, §21-2-408.

#### **Observing conduct of election.**

Authority of poll watchers, §21-2-408.

#### **Reports, §21-2-408.**

#### **Tabulating center.**

Appointment, Rule 183-1-13-.05.

### **PORTABLE POLLING FACILITIES,**

§21-2-332.

### **POSTERS.**

#### **Campaign posters.**

Placement within right of way of public roads or property, §21-1-1.

### **PRECINCTS.**

#### **Alteration.**

Costs of proceedings, §21-2-264.

Reimbursement of counties for costs incurred pursuant to alteration of precinct boundaries, §21-2-264.

Petition for alteration, §21-2-262.

#### **Boundaries.**

Alteration of precinct boundaries.

Reimbursement of counties for costs incurred pursuant to alteration of precinct boundaries, §21-2-264.

Change in boundaries of precincts, §21-2-261.

Time for notice of change, Rule 183-1-7-.01.

Requirements for voting precincts established or altered on or after July 1, 1983, §21-2-261.1.

#### **Change of residence of elector.**

Procedure upon change, §21-2-240.

#### **Consolidation.**

Costs of proceedings, §21-2-264.

Reimbursement of counties for costs incurred pursuant to alteration of precinct boundaries, §21-2-264.

Petition for, §21-2-262.

#### **Costs.**

Alteration of precinct boundaries.

Reimbursement of counties for costs incurred, §21-2-264.

#### **Creation of new precincts,**

§21-2-261.

Requirements for voting precincts established or altered on or after July 1, 1983, §21-2-261.1.

#### **Defined, §§21-2-2, 21-2-3.**

#### **Designation, §21-2-260.**

#### **Districts.**

Each election district to constitute separate precinct, §21-2-260.

#### **Division.**

Petition for, §21-2-262.

#### **Persons entitled to vote in each precinct,**

§21-2-238.

#### **Petitions.**

Alteration, division, etc., of precincts, §21-2-262.

**PRECINCTS—Cont'd**

**Reduction in size of precincts,**  
§21-2-263.

Two thousand electors or more  
contained in election district.

When voting at previous general  
election not completed one hour  
after closing of polls, §21-2-263.

**Size of precincts reduced,** §21-2-263.

**Voting in more than one precinct,**  
§21-2-572.

**PRESIDENTIAL ELECTORS.**

**Certificates of election.**

Issuance, §21-2-502.

**Compensation,** §21-2-13.

**Death of elector.**

Procedure for filling vacancies,  
§21-2-12.

**Duties.**

Performance of duties, §21-2-11.

**Expenses.**

Payment of expenses of electoral  
college, §21-2-13.

**Frequency of election,** §21-2-10.

**Governor.**

Enumeration, certification, etc., of  
votes for presidential electors,  
§21-2-499.

**Majority vote as prerequisite for  
nomination,** §21-2-501.

**Meetings.**

Time of meeting, §21-2-11.

**Nomination,** §21-2-172.

**Number of electors,** §21-2-10.

**Time of meeting,** §21-2-11.

**Vacancies.**

Procedure for filling, §21-2-12.

**PRESIDENTIAL PREFERENCE  
PRIMARY.**

**Absentee voting.**

Safekeeping, etc., of ballots received,  
§21-2-386.

Supplies for ballots to be obtained,  
§21-2-384.

**Ballots.**

Designation on ballot of candidate to  
whom candidate is pledged,  
§21-2-200.

Form, §21-2-200.

Selection of candidates to appear on  
ballot, §21-2-193.

Withdrawal of candidates from ballot,  
§21-2-194.

**PRESIDENTIAL PREFERENCE  
PRIMARY—Cont'd**

**Candidates.**

Effect of withdrawal, §21-2-197.

Hearings.

Candidates not selected, §21-2-193.

Notification of candidates selected,  
§21-2-193.

Qualifying fee, §21-2-198.

Selection of candidates to appear on  
ballot, §21-2-193.

Withdrawal, §21-2-194.

**Citation of law,** §21-2-190.

**Conventions.**

Assessment of qualifying fee for  
candidates listed on ballot,  
§21-2-198.

Conduct of primaries according to laws  
relating to general primaries,  
§21-2-200.

Designation on ballot of presidential  
candidate to whom candidate for  
delegate, etc., is to be pledged,  
§21-2-200.

Effect of withdrawal of candidate,  
§21-2-197.

Political party authorized to elect  
officers, etc., §21-2-199.

Qualification oath of delegates,  
§21-2-196.

Selection of delegates to national  
nominating convention, §21-2-195.

**Date of primary,** §21-2-191.

**Designation of political parties and  
bodies which may hold primaries,**  
§21-2-191.

**Eligibility to vote in party's primary,**  
§21-2-191.

**Fees.**

Qualifying fees for candidates,  
§21-2-198.

**General primaries.**

Conduct of presidential preference  
primary according to laws of  
general primaries, §21-2-200.

**Governor.**

Determination of date, §21-2-191.

Proclamation, §21-2-192.

**Oaths.**

Delegates to national nominating  
convention, §21-2-196.

**Political parties.**

Decision to elect delegates in primary,  
§21-2-191.

## INDEX

### **PRESIDENTIAL PREFERENCE**

#### **PRIMARY—Cont'd**

#### **Political parties—Cont'd**

- Designation of political parties which may hold primaries, §21-2-191.
- Primary, considered general primary for election of committee members or officers, §21-2-199.
- Qualification oath of delegates to national nominating convention, §21-2-196.
- Selection of delegates to national nominating conventions, §21-2-195.

#### **Registration.**

- Time for closing when primary held at time of presidential preference primary, §21-2-229.

#### **Returns, §21-2-493.**

#### **Short title, §21-2-190.**

#### **Voting in primary of more than one political party, §21-2-191.**

### **PRIMARIES.**

#### **Affidavits.**

- Filing with political party by each qualifying candidate, §21-2-153.

#### **Applicability of chapter, §21-2-15.**

#### **Authority of political party to nominate candidates for public office, §21-2-151.**

#### **Ballots.**

- Form of official primary ballot, §21-2-284.

#### **Call.**

- Rules governing, Rule 183-1-8-.01.

#### **Candidates.**

- Certification of political party candidates, §21-2-154.
- Death.
  - Reopening of qualification for office, §21-2-155.

#### **Fees.**

- Qualification fees, §21-2-131.
- Filing affidavit with political party by each qualifying candidate, §21-2-153.

#### **Lists of qualified candidates.**

- Posting, §21-2-153.

#### **Presidential preference primary.**

- See **PRESIDENTIAL PREFERENCE PRIMARY.**

#### **Qualifications, §21-2-153.**

### **PRIMARIES—Cont'd**

#### **Conduct of primaries, §§21-2-151, 21-2-152.**

#### **Contests.**

- Calling of second primary by court, §21-2-527.

#### **Date of primary, §21-2-150.**

- Presidential preference primary, §21-2-191.

#### **Death of candidate.**

- Reopening of qualification for office, §21-2-155.

#### **Defined, §21-2-2.**

#### **Expenses.**

- Listed forms to be furnished, §21-2-156.
- Payment, §21-2-156.

#### **General primary.**

- Date, §21-2-150.

#### **Interference with primaries generally, §21-2-566.**

#### **Joint holding of all parties' primaries, §21-2-151.**

#### **National conventions.**

- Primaries occurring during same week, §21-2-150.

#### **Nomination.**

- Requirement of nominating in primary immediately preceding general election, §21-2-151.

#### **Nonpartisan primaries for general candidates.**

- Death of candidate.
  - Reopening of qualification for office, §21-2-155.

#### **Nonpartisan primaries for judicial offices.**

- Authorization, §21-2-151.
- Date of nonpartisan primary, §21-2-150.
- Form of ballot, §21-2-284.1.
- Placement of nominee on nonpartisan election ballot, §21-2-284.1.
- Primary runoff, §21-2-284.1.

#### **Payment of expenses, §21-2-156.**

#### **Poll officers.**

- Conduct of primaries by poll officers, §21-2-152.

#### **Presidential preference primary.**

- See **PRESIDENTIAL PREFERENCE PRIMARY.**

#### **Repeat voting in same primary, §21-2-572.**

## INDEX

### PRIMARIES—Cont'd

#### Returns.

- Certificate of nomination for political party nominees, Rule 183-1-15-.01.
- Preparation of copies of consolidated return of primary, §21-2-496.

#### Run-off primary.

- See RUN-OFF PRIMARY OR ELECTION.

#### Special primaries.

- See SPECIAL ELECTIONS AND PRIMARIES.

#### Time.

- Date of general primaries, §21-2-150.

### PROBATE COURTS.

- Creation of board to assume duties of superintendent where judge of probate court is candidate, §21-2-74.

### PROTECTIVE COUNTERS.

Defined, §21-2-310.

#### Vote recorders.

- See VOTE RECORDERS.

#### Voting machines.

- See VOTING MACHINES.

### PUBLIC BUILDINGS.

#### Campaign posters, signs and advertisements.

- Placement on public buildings, §21-1-1.

#### Polling places.

- Used as polling place, §21-2-266.

### PUBLIC COUNTERS.

Defined, §21-2-310.

#### Vote recorders.

- See VOTE RECORDERS.

#### Voting machines.

- See VOTING MACHINES.

### PUBLIC OFFICERS AND EMPLOYEES.

#### Death prior to taking office.

- Special primary or election, §21-2-504.

#### Eligibility of persons holding elective public office to serve on county board of elections, §21-2-75.

#### Failure to perform duties, §21-2-596.

### PUBLIC OFFICES.

Defined, §21-2-2.

### PUBLIC SERVICE COMMISSION.

#### Certificates of election.

- Issuance, §21-2-502.

## Q

### QUESTIONS.

Defined, §21-2-2.

## R

### RECORDERS.

#### Vote recorders.

- See VOTE RECORDERS.

### RECORDS.

#### Ballots.

- Recording number of ballots.
- Responsibility of superintendent, §21-2-294.

#### Opening to members of public, §21-2-51.

#### Preservation of primary and election records, §21-2-52.

#### Registration.

- Rejected applicants, §21-2-226.
- Replacement of destroyed records, §21-2-244.
- Revision and correction by registrars, §21-2-231.

#### Secretary of state.

- Opening records to members of public, §21-2-51.
- Preservation of primary and election records, §21-2-52.

#### Superintendents.

- Opening of records to members of public, §21-2-72.
- Preservation of primary and election records, §21-2-73.
- Refusal to permit public inspection of records, §21-2-585.

### RECOUNTS.

#### Losing candidate's right to recount, §21-2-495.

#### Procedure, §21-2-493.

### REFERENDUM.

#### Voting machines.

- Referendum on question of use, §21-2-321.

### REGISTERING COUNTER.

Defined, §21-2-310.

#### Vote recorders.

- See VOTE RECORDERS.

#### Voting machines.

- See VOTING MACHINES.

### REGISTRARS.

See REGISTRATION.

## INDEX

### REGISTRATION.

#### Absentee registration.

Action of board of registrars,  
§21-2-230.

Application, §21-2-230.

#### Cards.

Duplicate cards, §21-2-217.

Persons qualified, §21-2-230.

Registration cards, §21-2-217.

Duplicates, §21-2-217.

#### Age of electors, §21-2-219.

#### Appeals.

Decisions denying or allowing  
registration, §21-2-224.

#### Applications.

Deadline for receiving applications for  
November election, §21-2-220.

#### Embezzlement.

Rejection of application for  
conviction of embezzlement of  
public funds, §21-2-222.

Failure of applicant to appear at  
hearing, §21-2-225.

#### Giving false information.

Rejection of application, §21-2-223.

Identification of electors, §21-2-221.

Illiterate applicants, §21-2-221.

Persons desiring registration,  
§21-2-221.

Persons not on registration list,  
§21-2-227.

#### Precincts using voting machines.

Separate preservation and return of  
refused applications, §21-2-453.

Records of rejected applicants,  
§21-2-226.

Refusal to give information or giving  
false information.

Rejection of application, §21-2-223.

#### Rejection.

Grounds for rejection, §21-2-222.

Notification procedure, §21-2-225.

When registrars to cease taking  
applications, §21-2-227.

#### Arrest.

Officers' privilege from arrest,  
§21-2-215.

**Board of registrars.** See within this  
heading, "Registrars."

#### Cancellation.

Reregistration after cancellation,  
§21-2-231.

### REGISTRATION—Cont'd

#### Cards.

Blank cards.

Issuance, §21-2-218.

Filling in registration card, §21-2-221.

Form of cards, §21-2-217.

Inactive registration cards.

Retention, §21-2-232.1.

Municipalities not electing to use  
county registration system.

Procedure, §21-2-217.

Obtaining by registrars, §21-2-216.

Retention of inactive registration cards,  
§21-2-232.1.

When apportionment necessitating  
mailing of new cards.

Reimbursement, §21-2-217.

#### Change of residence of elector.

Procedure upon change, §21-2-240.

**Chief registrar.** See within this heading,  
"Registrars."

#### College presidents.

Rules for registration of persons by  
college presidents or their  
designees, Rule 183-1-6-.05.

#### Continuances.

Loss of qualification for failure to  
exercise vote.

Request for continuance, §21-2-231.

#### Embezzlement.

Rejection of application for conviction  
for embezzlement, §21-2-222.

#### Examinations.

Board to examine applicant, §21-2-222.

**Exemption of qualified electors from  
registration,** §21-2-231.

#### Failure to exercise vote.

Suspension of registration, §21-2-231.

**False entries on registration card,**  
§21-2-562.

#### False registration.

Penalty, §21-2-561.

**False statements,** §21-2-219.

**Filing of registration statements by  
political parties or bodies with  
secretary of state,** §21-2-110.

#### Fraud.

Making false entries on registration  
card, §21-2-562.

#### General elections and primaries.

Persons not on registration list,  
§21-2-227.

## INDEX

### **REGISTRATION—Cont'd**

#### **Handicapped persons.**

Places of registration.

Access, Rule 183-1-6-.04.

#### **Hearings.**

Failure of applicant or elector to appear at hearing, §21-2-225.

Public nature of hearings, §21-2-242.

#### **Inspections.**

Registration cards open to public inspection, §21-2-242.

#### **Lists.**

Generally.

See LISTS.

Registrars. See within this heading, "Registrars."

#### **Notices.**

Loss of qualification for failure to exercise vote, §21-2-231.

Questioning right of person to remain on list of electors, §21-2-225.

Rejection of application, §21-2-225.

#### **Oaths.**

Administration of oath to applicant, §21-2-221.

Reading of oath to applicant, §21-2-221.

#### **Offices.**

Hours of operation, §21-2-218.

Registration of electors at main office and other designated locations, §21-2-218.

#### **Persons not on registration list, §21-2-227.**

#### **Places of registration.**

Additional places, Rule 183-1-6-.03.

Advertisement of additional places, §21-2-218.

Designation of registrars for each place of registration, §21-2-222.

Handicapped access, Rule 183-1-6-.04.

Hours of operation, §21-2-218.

Certain counties, Rule 183-1-6-.03.

Location of places in public places, §21-2-218.

Main office of board of registrars, §21-2-218.

Number, Rule 183-1-6-.03.

Selection, §21-2-218.

#### **Political parties.**

See POLITICAL PARTIES.

#### **Precincts using paper ballots.**

Registration as prerequisite to voting, §21-2-431.

### **REGISTRATION—Cont'd**

#### **Precincts using voting machines.**

Applications.

Preservation and return of refused applications, §21-2-453.

Prerequisites to voting, §21-2-451.

Unregistered electors, §21-2-451.

#### **Presidential preference primary.**

Time for closing when primary held at time of presidential preference primary, §21-2-229.

#### **Qualifications.**

Exemption of qualified electors from registration, §21-2-231.

Loss of qualification for failure to exercise vote, §21-2-231.

#### **Questioning right of person to remain on list of electors, §21-2-225.**

#### **Records.**

Rejected applicants.

Retention of records, §21-2-226.

Replacement of destroyed records, §21-2-244.

Revision and correction by registrars, §21-2-231.

#### **Registrars.**

Absentee voting.

Applications.

Duties of registrar, §21-2-381.

Transmittal or accounting of ballots by registrars, §21-2-390.

Utilization of courthouse annex as registrar's office in certain counties, §21-2-382.

Appointment, §21-2-211.

Certification by clerk of superior court, §21-2-211.

Counties having population of more than 600,000, §21-2-211.

Budget.

Preparation of annual budget estimate by board, §21-2-245.

Certified registration list.

Special elections and primaries, §21-2-228.

Challenges.

Decision of board of registrars, §21-2-237.

Chief registrar.

Chief administrative officer of board of registrars, §21-2-211.

Compensation, §21-2-211.

Designation by judge, §21-2-211.

## INDEX

### REGISTRATION—Cont'd

#### Registrars—Cont'd

- Chief registrar—Cont'd
  - Supervision and administration of board of registrars, §21-2-211.
- Clerical assistance, §21-2-212.
- College or university presidents.
  - Deputy registrars, §21-2-212.
- Compensation, §21-2-211.
- County board of registrars.
  - Eligibility for nomination or service in public office, §21-2-213.
  - Qualifications, §21-2-213.
- Deadline for receiving registration applications, §21-2-220.
- Deputy registrars.
  - Appointment, Rule 183-1-6-.03.
  - Chief deputy registrar.
    - Appointment in county not served by registrar's office during regular business hours, §21-2-212.
  - College or university presidents, §21-2-212.
  - Not residents of county, §21-2-213.
  - Oaths, §21-2-214.
  - Persons convicted for fraud, etc.
    - Eligibility for holding public office, §21-2-8.
  - Power to appoint, §21-2-212.
  - Qualifications, §21-2-213.
- Designation of registrars for each place of registration, §21-2-222.
- Determining qualifications of electors.
  - Subpoenas, §21-2-236.
  - Summons, §21-2-236.
  - Witnesses, §21-2-236.
- Discharge of duties in public, §21-2-242.
- Eligibility for nomination or service in public office, §21-2-213.
- Grand jury.
  - Submission of names to judge, §21-2-211.
- High school or assistant high school principals.
  - Deputy registrars, §21-2-212.
- Librarians, §21-2-212.
- Lists.
  - Addresses of appointees, §21-2-211.
  - Distribution to managers in each district, §21-2-401.
  - Duty to consolidate, §21-2-235.

### REGISTRATION—Cont'd

#### Registrars—Cont'd

##### Lists—Cont'd

- Duty to furnish for elections held in governmental subdivisions, §21-2-243.
- Filing certified lists with secretary of state, §21-2-234.
- Preparation, §21-2-233.
- Reexamination of qualifications of electors listed, §21-2-236.
- Reviewing qualifications of electors erroneously omitted, §21-2-407.
- Oaths, §21-2-214.
- Offices.
  - Main office of board of registrars, §21-2-218.
- Persons convicted for fraud, etc.
  - Eligibility for holding public office, §21-2-8.
- Political activities, §21-2-213.
- Qualifications, §21-2-213.
- Records.
  - Revision and correction by registrars, §21-2-231.
- Registration card.
  - Obtaining by registrars, §21-2-216.
- Reject applicants.
  - Retention of records, §21-2-226.
- Removal, §21-2-211.
- Resignation, §21-2-211.
- Returns.
  - Chairman of county board of registrars.
    - Office to remain open until returns received, §21-2-490.
  - Salaries, §21-2-211.
  - Service of process, §21-2-236.
    - Notice to elector, §21-2-236.
  - Suspension of operations.
    - Deadline for receiving applications for November election, §21-2-220.
    - Temporary suspension for subsequent elections, §21-2-220.
  - Term of office, §21-2-211.
  - Training requirements, §21-2-211.
  - Training sessions, §21-2-213.
  - When registrars to cease taking applications, §21-2-227.
- Registration officers.
  - Appeals from decisions denying or allowing registration, §21-2-224.
  - Defined, §21-2-210.

## INDEX

### **REGISTRATION—Cont'd**

#### **Registration officers—Cont'd**

Privilege from arrest, §21-2-215.

#### **Removal of registration cards from custody of officer in charge,** §21-2-242.

**Required,** §21-2-219.

#### **Reregistration after cancellation,** §21-2-231.

#### **Reregistration of voters purged from list of electors,** §21-2-219.

#### **Residence.**

Rules for determining residence,  
§21-2-241.

Voters residing in another state but ineligible to vote there, §21-2-219.

#### **Rules and regulations,** Rule 183-1-6-.03.

#### **Rules for determining residence,** §21-2-241.

#### **Secretary of state.**

Enforcement of provisions, Rule 183-1-6-.03.

#### **Registration cards.**

Administration of section by secretary of state, §21-2-217.

#### **Special elections and primaries,** §21-2-228.

Closing registration list, §21-2-541.

Time for closing registration list,  
§§21-2-229, 21-2-541.

#### **Suspension.**

Electors failing to exercise vote,  
§21-2-231.

Temporary suspension of registration for subsequent elections,  
§21-2-220.

#### **Time.**

Closing registration list.

Special primaries held at time of Georgia presidential preference primary, §21-2-229.

Deadline for receiving registration application for November election,  
§21-2-220.

#### **Treason.**

Rejection of application for conviction for treason, §21-2-222.

#### **University presidents.**

Rules for registration of persons by college presidents or their designees, Rule 183-1-6-.05.

### **REGISTRATION—Cont'd**

#### **Unregistered electors.**

Precincts using voting machines.

Voting by unregistered electors,  
§21-2-451.

#### **REPEAT VOTING,** §21-2-572.

### **REPORTS.**

#### **Poll watchers.**

Violations, §21-2-408.

#### **Vote recorders.**

Examinations, §21-2-353.

### **RESIDENCE.**

#### **Boards and commissions.**

Constitutional or statutory boards or bodies.

Membership based on residency within congressional district,  
§21-2-4.1.

#### **Change in residence of elector.**

Procedure upon change, §21-2-240.

#### **Defined,** §21-2-2.

#### **Loss of residence in this state,** §21-2-241.

#### **Precincts using paper ballots.**

Voting outside district of residence,  
§21-2-431.

#### **Precincts using voting machines.**

Voting outside of precinct, §21-2-451.

#### **Registration.**

Voters residing in other state but ineligible to vote there, §21-2-219.

#### **Rules for determining,** §21-2-241.

### **RETURNS.**

#### **Candidates.**

Permitting candidates to make own computation, §21-2-492.

#### **Certification,** §21-2-493.

#### **Constitutional officers election board.**

See CONSTITUTIONAL OFFICERS ELECTION BOARD.

#### **Contest.**

Certification and filing of corrected returns in case of contest,  
§21-2-493.

#### **Copies.**

Filing, §§21-2-496, 21-2-497.

Preparation of copies of consolidated return, §§21-2-496, 21-2-497.

#### **Corrected returns.**

Certification and filing in case of change in return due to election contest, §21-2-493.

**RETURNS—Cont'd**

**Discrepancies in vote counts.**

Investigation, §21-2-493.

**Envelopes.**

Opening of sealed envelopes upon order of superintendent or court, §21-2-491.

**Forms.**

Procurement of blank forms for making statements of returns, §21-2-492.

**Inspections.**

Public inspection of unsealed returns at office of superintendent, §21-2-491.

**Investigations.**

Discrepancies in vote counts, §21-2-493.

**Making false entries on return,**

§21-2-562.

**Notices.**

When and where returns will be computed, §21-2-492.

**Oaths.**

Swearing of individuals assisting in computation of returns, §21-2-492.

**Orders of court.**

Opening of sealed envelopes, §21-2-491.

**Precincts using paper ballots.**

Copies, §21-2-440.

Names not printed on ballot.

Return of votes cast for persons whose names are not printed on ballot, §21-2-437.

Poll officers to sign general returns, §21-2-440.

Posting copy of returns, §21-2-440.

Procedure as to count and return of votes.

Generally, §21-2-437.

**Precincts using vote recorders.**

Preparation, signing and disposition, §21-2-472.

**Precincts using voting machines,**

§21-2-455.

Delivery of duplicate return sheets, §21-2-456.

Duplicate return sheets, §21-2-456.

Form of general return sheet, §21-2-456.

List of electors, §21-2-456.

Posting of statement upon ascertaining vote, §21-2-456.

**RETURNS—Cont'd**

**Presidential preference primary,**

§21-2-493.

**Primaries.**

Certificate of nomination for political party nominees, Rule 183-1-15-.01.

**Recounts,** §21-2-493.

Procedure, §21-2-495.

**Return sheets.**

Duty of superintendent to obtain, §21-2-400.

**Secretary of state.**

Constitutional officers election board.

Filing of returns with secretary of state, §21-2-498.

Destruction, §21-2-586.

Refusal to permit inspection, §21-2-586.

Tabulation, canvassing, etc., of votes cast, §21-2-499.

**Superintendent.**

Copies of consolidated return of primary.

Preparation by superintendent, §21-2-496.

Duties, §§21-2-492, 21-2-493.

Office to remain open until returns received, §21-2-490.

Opening of sealed envelopes upon order of superintendent or court, §21-2-491.

**Time.**

Computation, tabulation, etc., of returns by superintendent, §21-2-493.

**Unsealed returns.**

Public inspection at office of superintendent, §21-2-491.

**Write-in votes.**

Manner of computing and certifying, §21-2-494.

**RULES AND REGULATIONS.**

**Political parties.**

Chief executive committees.

Establishment of rules and regulations, §21-2-113.

County executive committees.

Establishment of rules and regulations, §21-2-113.

Nomination of presidential electors and candidates by convention.

Adoption of rules and regulations, §21-2-172.

## INDEX

### **RULES AND REGULATIONS—Cont'd**

#### **State board of election.**

Duties of superintendents as to rules of board, §21-2-70.

Right to institute actions to enforce, §21-2-32.

### **RUN-OFF PRIMARY OR ELECTION.**

#### **Constitutional officers, §21-2-501.**

#### **Failure to nominate or elect.**

Special primary or election, §21-2-504.

#### **Holding when no candidate receives majority vote, §21-2-501.**

#### **Nonpartisan election for judicial offices, §21-2-285.1.**

#### **Nonpartisan primary for judicial offices, §21-2-284.1.**

#### **Polling place, §21-2-270.**

#### **Procedure, §21-2-501.**

## S

### **SALARIES.**

#### **Poll officers, §21-2-98.**

#### **Registrars, §21-2-211.**

#### **State board of elections.**

Compensation of members, §21-2-34.

### **SATURDAYS.**

#### **Next succeeding business day substituted, §21-2-14.**

### **SECRETARY OF STATE.**

#### **Alteration of precinct boundaries.**

Reimbursement of counties for costs incurred pursuant to alteration of precinct boundaries, §21-2-264.

#### **Ballot secrecy, §21-2-358.**

#### **Candidates.**

Challenging qualifications, §21-2-5.

#### **Conflicts of interest.**

Vote recorders.

Pecuniary interest in recorders, §21-2-353.

#### **Constitution of Georgia.**

Summary of general amendments.

Printing.

Duties of secretary, §21-1-2.

Recording summary on audio tape, §21-1-2.

#### **Date of election, §21-2-9.**

#### **Destruction of returns, petitions, etc., §21-2-586.**

#### **Handicapped access.**

Enforcement of provisions, Rule 183-1-6-.04.

### **SECRETARY OF STATE—Cont'd**

#### **Inspections.**

Refusal to permit inspection of returns, petitions, etc., §21-2-586.

#### **Judicial offices.**

Nonpartisan election for judicial offices, §21-2-138.

#### **Lists.**

Filing of certified lists of qualified electors with secretary, §21-2-234.

Furnishing numbered list of voters to superintendents, §21-2-50.

#### **Nomination of presidential electors and candidates by convention.**

Examination of rules by secretary, §21-2-172.

#### **Nomination petitions.**

Duties as to, §§21-2-170, 21-2-171.

#### **Nonpartisan elections.**

Judicial offices, §21-2-138.

#### **Powers and duties.**

Generally, §21-2-50.

#### **Presidential preference primary.**

Determination of date, §21-2-191.

#### **Records.**

Opening to members of public, §21-2-51.

Preservation of primary and election records, §21-2-52.

#### **Registration.**

Enforcement of provisions, Rule 183-1-6-.03.

Registration cards.

Administration of section by secretary of state, §21-2-217.

#### **Returns.**

Constitutional officers election board.

Filing of returns with secretary, §21-2-498.

Tabulating, canvassing, etc., of votes cast, §21-2-499.

#### **State election board.**

Membership, §21-2-30.

#### **Vote recorders.**

Inspections, §21-2-353.

Pecuniary interest of secretary, §21-2-353.

Reexamination at discretion of secretary, §21-2-353.

#### **Voter's certificates.**

Preparation, §21-2-402.

## INDEX

### **SEDITION AND SUBVERSIVE ACTIVITIES.**

**Eligibility of subversive persons for nomination or election,** §21-2-7.

### **SENTENCING.**

#### **Felonies.**

Punishment for felonies, §21-2-599.

#### **Misdemeanors.**

Punishment for misdemeanors, §21-2-598.

### **SERVICE OF PROCESS.**

#### **Contests.**

Petitions.

Service upon state election board, §21-2-524.

#### **Registrars.**

Reexamination of elector qualifications, §21-2-236.

### **SHERIFFS.**

#### **Registrars.**

Reexamination of qualifications of electors.

Service by sheriff of summons, etc., §21-2-236.

**SHORT TITLE,** §21-2-1.

### **SIGNATURES.**

#### **Nomination petitions.**

Number of signatures required, §21-2-170.

### **SIGNS.**

**Placement within right of way of public roads or property,** §21-1-1.

### **SOCIAL SECURITY.**

#### **Registration cards.**

Form, §21-2-217.

### **SOLICITATION.**

#### **Polling places.**

Limitations on soliciting votes, §21-2-413.

### **SPECIAL ELECTIONS AND PRIMARIES.**

**Applicability of chapter,** §21-2-15.

#### **Candidates.**

Fees.

Qualification fees, §21-2-131.

Incumbency.

Indication on ballot, §21-2-540.

Listing on ballots according to party affiliation, §21-2-540.

### **SPECIAL ELECTIONS AND PRIMARIES—Cont'd**

#### **Candidates—Cont'd**

Unopposed candidates.

Procedure as to unopposed candidates, §21-2-545.

**Congress,** §§21-2-542, 21-2-543.

**Death of person elected to public office,** §21-2-504.

**Defined,** §21-2-2.

**Failure to nominate or elect,** §21-2-504.

**General assembly,** §21-2-544.

**List,** §§21-2-228, 21-2-229.

Time for closing, §21-2-541.

**Manner of conducting special elections,** §21-2-540.

**Registration,** §21-2-228.

#### **The call.**

Defined, §21-2-2.

**Time,** §21-2-540.

Elections held at time of general primary or election, §21-2-541.

**United States congressional**

**representatives,** §21-2-543.

**United States senators,** §21-2-542.

**Unopposed candidates.**

Procedure as to unopposed candidates, §21-2-545.

**Withdrawal of person elected to public office.**

Prior to taking office, §21-2-504.

### **STATE BOARD OF ELECTIONS.**

See STATE ELECTION BOARD.

### **STATE COURTS OF COUNTIES.**

#### **Clerks of court.**

Chief deputy to be designated, §21-2-17.

#### **Judge of state court.**

Filing of affidavit, §21-2-132.

Filing of notice of candidacy and payment of fee, §21-2-132.

Form of ballot labels generally, §21-2-325.

Nonpartisan election for judicial offices, §21-2-138.

Where office has multiple office-holders with same title.

Designation of specific office sought, §21-2-135.

**Nonpartisan election for judicial offices.**

Declaration of prevailing candidate as duly elected, §21-2-285.1.

## INDEX

### STATE COURTS OF COUNTIES

—Cont'd

#### Nonpartisan election for judicial offices

—Cont'd

Form of nonpartisan election ballot,  
§21-2-285.1.

Run-off election, §21-2-285.1.

#### Nonpartisan primaries for judicial offices.

Authorization, §21-2-151.

Date of nonpartisan primary,  
§21-2-150.

Form of ballot, §21-2-284.1.

Placement of nominee on nonpartisan  
election ballot, §21-2-284.1.

Primary runoff, §21-2-284.1.

#### Procedures for qualification of candidates generally, §21-2-130.

### STATE ELECTION BOARD.

#### Actions.

Institution of intervention in court  
actions, §21-2-32.

#### Candidates.

Vacating board membership upon  
qualifying for candidacy, §21-2-30.

#### Compensation of members, §21-2-34.

#### Composition, §21-2-30.

#### Contests.

Petitions.  
Service on state election board,  
§21-2-524.

#### Creation, §21-2-30.

#### Duties.

Enumeration, §21-2-31.

Generally, §21-2-31.

#### Hearings, §21-2-33.

#### Injunctions.

Power to seek injunction, §21-2-32.

#### Investigations.

Hearings before board, §21-2-33.

#### Lists for elections held in governmental subdivisions.

Compensation to county for  
furnishing.

Determination by board, §21-2-243.

#### Mandamus.

Power to seek mandamus, §21-2-32.

#### Meetings, §21-2-30.

#### Minutes of meetings, §21-2-30.

#### Oaths.

Administration of oaths, §21-2-33.

#### Per diem of members, §21-2-34.

### STATE ELECTION BOARD—Cont'd

#### Petitions.

Filing, §21-2-32.

#### Presidential preference primary.

Determination of date, §21-2-191.

#### Primary elections.

Conformity with board's regulations  
for general elections, §21-2-151.

#### Quorum, §21-2-30.

#### Returns in elections of constitutional officers.

Cases where returns not transmitted to  
secretary of state.

Duties of state election board,  
§21-2-498.

#### Rules and regulations.

Actions to enforce, §21-2-32.

Duties of superintendents as to rules of  
board, §21-2-70.

#### Seal.

Adoption, §21-2-30.

#### Service of process.

Actions instituted by board, §21-2-32.

#### State executive committee.

Nomination of party member to serve  
on board, §21-2-30.

#### Subpoenas.

Power to issue, §21-2-33.

#### Terms of service, §21-2-30.

#### Vacancies.

Procedure as to filling, §21-2-30.

#### Vote recorders.

Ensuring ballot secrecy, §21-2-358.

Write-in ballots and ballot cards.

Counting in manner prescribed by  
board, §21-2-473.

#### Witnesses.

Hearings before board, §21-2-33.

### STATE EXECUTIVE COMMITTEES.

See POLITICAL PARTIES.

### STATE SCHOOL SUPERINTENDENT.

Date of election, §21-2-9.

### SUBPOENAS.

#### Board of registrars.

Reexamining qualifications of electors,  
§21-2-236.

#### State board of elections, §21-2-33.

### SUBVERSIVE PERSONS.

Eligibility for nomination or election to  
public office, §21-2-7.

## INDEX

### SUNDAY.

Next succeeding business day substituted, §21-2-14.

### SUPERINTENDENTS.

#### Absentee voting.

##### Ballots.

Preparation and delivery, §21-2-384.

Preparation in advance by superintendent, §21-2-383.

Return of cancelled ballots, §21-2-388.

#### Affidavits.

Determining accuracy and correctness of facts set forth in affidavits, §21-2-565.

#### Assistance to electors.

Return of oaths of assisted electors to superintendent, §21-2-409.

#### Ballot labels.

Furnishing, §21-2-359.

Preparation, §21-2-354.

Preparation of form and arrangement, §21-2-325.

##### Vote recorders.

Duty to place labels on recorders, §21-2-359.

#### Ballots.

##### Absentee voting.

Advance preparation by superintendent, §21-2-383.

Preparation and delivery of ballots, §21-2-384.

Return of cancelled ballots, §21-2-388.

##### Correction of mistakes and omissions.

Superior court may require superintendent to correct, §21-2-293.

##### Duplicate ballot cards.

Discretion of superintendent, §21-2-473.

Form of printing, §21-2-286.

Duty of superintendent to have forms of ballots on file for public inspection, §21-2-292.

Furnishing by superintendent, §21-2-280.

##### Official election ballot.

Form, §21-2-285.

##### Paper ballot.

Voting by paper ballot when use of voting machines impossible or impracticable, §21-2-334.

### SUPERINTENDENTS—Cont'd

#### Ballots—Cont'd

##### Primary ballots.

Form, §21-2-284.

Printing responsibilities, §21-2-283.

Recording number of ballots, §21-2-294.

Residence of candidates printed on ballot, §21-2-288.

Return of cancelled ballots to superintendent, §21-2-433.

##### Unused ballots.

Delivery to clerk of superior court, §21-2-500.

#### Boundaries.

Change in boundaries of precincts, §21-2-261.

Moving boundaries of precincts to conform to requirements of code, §21-2-261.1.

#### Candidates.

Certification of political party candidates, §21-2-154.

Notice of candidacy, §21-2-132.

Residence of candidates printed on ballots, §21-2-288.

Substitute nominations to fill vacancies in party nominations.

Notification of special primary election, §21-2-134.

##### Unopposed candidates.

Certification by superintendent, §21-2-291.

##### Write-in candidates.

Notice of intent of candidacy by write-in candidate, §21-2-133.

#### Certificates of election.

##### County officers.

Issuance of certificate, §21-2-502.

##### Justices of the peace.

Issuance of certificates to winning justices, §21-2-502.

#### Change of residence of elector.

Forms provided by superintendent, §21-2-240.

#### Clerks.

Appointment, §21-2-91.

#### Conflicts of interest.

##### Voting machines.

Pecuniary interest in machines, §21-2-324.

## INDEX

### **SUPERINTENDENTS—Cont'd**

#### **Counting of ballot cards, write-in ballots, etc., at tabulating machine centers.**

Superintendent to direct tabulation, §21-2-471.

#### **County offices.**

Challenging candidates, §21-2-6.

#### **Creation of board to assume duties of superintendent in counties without board of elections, §21-2-74.**

#### **Defined, §21-2-2.**

#### **Destruction, etc., of affidavits, petitions, records, etc., §21-2-585.**

#### **Duties, §21-2-70.**

Public performance, §21-2-406.

#### **Expenses.**

Payment by county, §21-2-71.

#### **Fees.**

County political parties.

Transmission to superintendent, §21-2-131.

#### **Forms.**

Change of address of elector, §21-2-240.

#### **Identification badges.**

Supplied by superintendent, §21-2-97.

#### **Inspections.**

Refusal to permit public inspection of affidavits, petitions, records, etc., §21-2-585.

Willful refusal to permit public inspection of affidavits, petitions, records, etc., §21-2-585.

#### **Instruction cards.**

Duty to have packed and delivered, §21-2-401.

Duty to obtain, §21-2-400.

#### **Lists.**

Checked list of electors.

Return, §21-2-411.

Disqualified voters, §21-2-232.

Return of elector's list, §21-2-456.

#### **Managers.**

Appointment by superintendent, §21-2-90.

#### **Nominations.**

Examination of petitions, §21-2-171.

#### **Number of ballots equal to number of registered electors in district.**

Provision by superintendent, §21-2-290.

#### **Oath of office for managers and clerks.**

Forms furnished by superintendent, §21-2-93.

### **SUPERINTENDENTS—Cont'd** **Office.**

Superintendent's office to remain open until returns received and duties completed, §21-2-490.

### **Paper ballots.**

Vote recorders.

Voting by paper ballot when use of vote recorder is impossible, §21-2-364.

### **Persons convicted and sentenced for fraud, etc.**

Eligibility for holding public office, §21-2-8.

### **Petitions.**

Refusal to permit public inspection, §21-2-585.

### **Political parties.**

County executive committees.

Rules and regulations filed with superintendent, §§21-2-111, 21-2-113.

### **Polling places.**

See POLLING PLACES.

### **Poll watchers.**

Violations.

Warnings by superintendent, §21-2-408.

### **Portable polling facilities, §21-2-332.**

### **Powers, §21-2-70.**

### **Precincts.**

Moving precinct boundaries, §21-2-261.1.

Petition for alteration of boundary of precincts, §21-2-262.

Reduction of size, §21-2-263.

Use of paper ballots.

Delivery of returns, ballots, tally papers, etc., to superintendent, §21-2-440.

### **Presidential preference primary.**

Proclamation of governor.

Copies of proclamation transmitted to superintendent, §21-2-192.

State and county party executive committees to certify names of candidates, §21-2-191.

### **Primaries.**

Nonpartisan primaries for judicial offices.

Superintendent to conduct, §21-2-151.

### **Recanvass of votes, §21-2-495.**

## INDEX

### **SUPERINTENDENTS—Cont'd**

#### **Records.**

- Number of ballots, §21-2-294.
- Opening of primary and election records to members of public, §21-2-72.
- Preservation of primary and election records, §21-2-73.
- Refusal to permit public inspection of records, §21-2-585.

#### **Returns.**

- Computation and canvassing, §21-2-492.
- Consolidated return of election.
  - Preparation of copies, §21-2-497.
- Consolidated return of primary.
  - Preparation by superintendent of four copies, §21-2-496.
- Counting and return of votes, §21-2-437.
- Delivery to superintendent, §21-2-440.
- Failure to transmit returns to secretary of state.
  - State election board to assume powers, duties and responsibilities of superintendent of delinquent county, §21-2-498.
- Office to remain open until returns received, §21-2-490.
- Opening of sealed envelopes upon order of superintendent, §21-2-491.
- Public inspection of unsealed returns at office of superintendent, §21-2-491.
- Tabulation and computation by superintendent, §21-2-493.

#### **Run-off primary or election.**

- Determination of runoff day, §21-2-501.

#### **Salaries.**

- Compensation of poll officers fixed and paid by superintendent, §21-2-98.

#### **Secretary of state.**

- Certification of official list to superintendent, §21-2-50.
- Forms.
  - Duty to furnish proper superintendent blank forms, etc., §21-2-50.
- Returns.
  - Duty to receive from superintendent, §21-2-50.

### **SUPERINTENDENTS—Cont'd**

#### **Secretary of state—Cont'd**

- Substitute nominations to fill vacancies in party nominations.
- Secretary to notify superintendent of call for special primary and election, §21-2-134.

#### **Special elections.**

- General assembly.
  - Issuance of writ of election to superintendent, §21-2-544.
- United States congressional representatives.
  - Governor to issue writ of election to superintendent, §21-2-543.

#### **State election board.**

- Duty to supervise and coordinate work of superintendents, §21-2-31.

#### **Supplies.**

- Duty to furnish, §21-2-359.

#### **Tabulating machines.**

- Designation and compensation of custodians of tabulating machines, §21-2-362.
- Testing, §21-2-359.

#### **Training requirements, §21-2-211.**

#### **Vote recorders.**

- Ballot labels.
  - Duty to place labels on vote recorders, §21-2-359.
- Custodians.
  - Appointment by superintendent, §21-2-359.
  - Designation and compensation by superintendent, §21-2-362.
- Delivery of properly furnished recorders, §21-2-360.
- Instruction of electors as to use of recorders, §21-2-361.
- Instructions as to use, §21-2-99.
- Paper ballots.
  - Voting by paper ballot when use of vote recorder impossible or impracticable, §21-2-364.
- Substitution by superintendent, §21-2-356.

#### **Voter's certificates.**

- Return to superintendent, §§21-2-411, 21-2-432, 21-2-453.

#### **Voting machines.**

- Custodians.
  - Appointment by superintendent, §21-2-327.

**SUPERINTENDENTS—Cont'd**

**Voting machines—Cont'd**

**Custodians—Cont'd**

Designation and compensation,  
§21-2-331.

Delivery of properly furnished  
machines, §21-2-328.

Diagrams, §21-2-330.

Instructions as to use, §21-2-99.

**Keys.**

Delivery to chief manager,  
§21-2-329.

Delivery to superintendent,  
§21-2-455.

Notice of preparation, §21-2-327.

Number or designation.

Return to superintendent, §21-2-454.

**Paper ballots.**

Superintendent to furnish,  
§21-2-334.

Use of paper ballot when use of  
voting machine impossible or  
impracticable, §21-2-334.

Pecuniary interest in machines or in  
manufacture or sale, §21-2-324.

Portable polling facilities, §21-2-332.

Preparation for voting, §21-2-327.

Preventing free access to and  
examination of voting machines,  
§21-2-359.

Protection against molestation or  
injury, §21-2-328.

Referendum on question of use.

Computation of returns by  
superintendent, §21-2-321.

Removal by superintendent, §21-2-457.

**Write-in votes.**

Manner of computation and  
certification, §21-2-494.

Notice of intent of candidacy by write-  
in, §21-2-133.

**SUPERIOR COURTS.**

**Affidavits.**

Judge of superior court.

Candidate seeking nomination in  
nonpartisan primary.

Filing of affidavit, §21-2-132.

**Certificates of election.**

Issuance, §21-2-502.

**Challenges.**

Right of appeal to superior court,  
§21-2-237.

**SUPERIOR COURTS—Cont'd**

**Contests.**

Jurisdiction of contest, §21-2-523.

**Duties of courts on days of primaries  
and elections, §21-2-412.**

**Judges.**

Candidate seeking nomination in  
nonpartisan primary.

Filing of affidavit, §21-2-132.

Date of election, §21-2-9.

Filing of notice of candidacy and  
payment of fee, §21-2-132.

Form of ballot labels generally,  
§21-2-325.

Nonpartisan primary to nominate  
candidates for judicial offices.

Date of nonpartisan primary,  
§21-2-150.

Where office has multiple office-  
holders of same title.

Designation of specific office sought,  
§21-2-135.

**Nonpartisan election for judicial offices.**

Declaration of prevailing candidate as  
duly elected, §21-2-285.1.

Form of nonpartisan election ballot,  
§21-2-285.1.

Procedure, §21-2-138.

Runoff election, §21-2-285.1.

**Nonpartisan primaries for judicial  
offices.**

Authorization, §21-2-151.

Date of nonpartisan primary,  
§21-2-150.

Form of ballot, §21-2-284.1.

Placement of nominee on nonpartisan  
election ballot, §21-2-284.1.

Primary runoff, §21-2-284.1.

**Procedures for qualification of  
candidates generally, §21-2-130.**

**SUPPLIES.**

**Duty of superintendent to obtain,  
§21-2-400.**

**SUPREME COURT.**

**Affidavits.**

Justices of the supreme court.

Candidate seeking nomination in  
nonpartisan primary.

Filing of affidavit, §21-2-132.

**Certificates of election.**

Issuance to justices, §21-2-502.

## INDEX

### **SUPREME COURT—Cont'd**

#### **Contests.**

Appeals from court's determination on contest petition, §21-2-528.

#### **Justices of the supreme court.**

Candidate seeking nomination in nonpartisan primary.

Filing of affidavit, §21-2-132.

Date of election, §21-2-9.

Filing of notice of candidacy and payment of fee, §21-2-132.

Form of ballot labels generally, §21-2-325.

Nonpartisan election for judicial offices.

Declaration of prevailing candidate as duly elected, §21-2-285.1.

Form of nonpartisan election ballot, §21-2-285.1.

Procedure, §21-2-138.

Runoff election, §21-2-285.1.

Nonpartisan primaries for judicial offices.

Authorization, §21-2-151.

Date of nonpartisan primary, §21-2-150.

Form of ballot, §21-2-284.1.

Placement of nominee on nonpartisan election ballot, §21-2-284.1.

Procedures for qualification of candidates generally, §21-2-130.

Where office has multiple office-holders with same title.

Designation of specific office sought, §21-2-135.

#### **Nominations and qualifications of independent candidates, candidates of political bodies, and presidential electors.**

Basis for grant or denial of petitions.

Review and appeal of denial, §21-2-171.

#### **Restriction on number of offices which an individual may be nominated prior to any one election, §21-2-136.**

## T

### **TABULATING MACHINES.**

#### **Bond issues.**

Cost of machines, §21-2-363.

### **TABULATING MACHINES—Cont'd**

#### **Custodians.**

Designation and compensation, §21-2-362.

**Examination and reexamination,** §21-2-353.

#### **Installation.**

Requirements, §21-2-352.

#### **Leases.**

Power of county governing authorities, §21-2-351.

#### **Optical scan voting systems.**

Use, §21-2-365.

#### **Payment.**

Responsibility of county governing authority, §21-2-363.

**Purchasing, printing or otherwise procuring,** §21-2-351.

**Storage and care,** §21-2-362.

#### **Superintendents.**

Designation and compensation of custodians of tabulating machines, §21-2-362.

**Tampering with or damaging,** §21-2-582.

**Training of personnel,** Rule

183-1-12-.03.

Use, §21-2-352.

### **TALLY SHEETS.**

#### **Blank forms.**

Superintendent to obtain, §21-2-400.

### **THE CALL.**

Defined, §21-2-2.

### **THREATS.**

**Intimidation of electors,** §21-2-567.

**Poll officers,** §21-2-566.

### **TIME.**

#### **Absentee voting.**

Time of casting absentee ballot, §21-2-385.

**Conventions for nominating presidential electors,** §21-2-172.

**Date of elections for certain officers,** §21-2-9.

**Deadline for receiving applications for November election,** §21-2-220.

#### **Nominations.**

Petitions, §21-2-132.

**Opening and closing polls,** §21-2-403.

#### **Presidential electors.**

Time of meeting, §21-2-11.

**Presidential preference primary.**

Determination of time, §21-2-191.

## INDEX

### **TIME—Cont'd**

#### **Primaries.**

Date of general primary, §21-2-150.

Nonpartisan primary to nominate candidates for judicial offices.

Date of nonpartisan primary, §21-2-150.

#### **Registration.**

Closing registration list, §21-2-229.

Temporary suspension of registration for subsequent elections, §21-2-220.

#### **Special elections and primaries,**

§21-2-540.

Elections held at time of general election or primary, §21-2-541.

### **TREASON.**

#### **Registration.**

Rejection of application for conviction for treason, §21-2-222.

## U

### **UNAUTHORIZED ENTRY INTO VOTING BOOTH, §21-2-568.**

### **UNIVERSITY PRESIDENTS.**

#### **Registrars.**

Deputy registrars, §21-2-212.

#### **Registration.**

Rules for registration of persons by college presidents or their designees, Rule 183-1-6-.05.

### **UNOPPOSED CANDIDATES.**

#### **Special elections and primaries.**

Procedure as to unopposed candidates, §21-2-545.

### **UNQUALIFIED ELECTORS.**

Voting by, §21-2-571.

### **URINALYSIS.**

#### **Drug testing.**

Mandatory drug testing for candidates, §21-2-140.

## V

### **VIOLATIONS.**

#### **Ballots.**

Destroying, etc., or delaying delivery, §21-2-576.

Fraudulent ballots, §21-2-566.

Fraudulently allowing ballot card to be seen, §21-2-579.

### **VIOLATIONS—Cont'd**

#### **Ballots—Cont'd**

Improper removal of ballots from book of official ballots, §21-2-577.

Offenses by printers, §21-2-594.

Prying into ballots and ballot cards, §21-2-578.

Unlawful possession, §21-2-574.

#### **Buying or selling votes, §21-2-570.**

#### **Campaign literature.**

Unauthorized use of another's name for purposes of endorsing, etc., of campaign material, §21-2-415.

#### **Campaign posters, signs and advertisements.**

Placement within right of way of public roads or property.

Misdemeanor, §21-1-1.

#### **Candidates.**

Eligibility for nomination of persons convicted of fraudulent violation of election laws, §21-2-8.

#### **Contests.**

Grounds for contest, §21-2-522.

#### **District attorneys.**

Forwarding of evidence, etc., §21-2-565.

#### **False statements, §21-2-560.**

#### **Hindering the voting of others, §21-2-583.**

#### **Instruction cards.**

Destroying or defacing, §21-2-583.

#### **Intentional hindrance or interference with performance of acts or duties authorized by chapter, §21-2-597.**

#### **Interference with primaries and elections, §21-2-566.**

#### **Lists.**

Destroying, defacing, etc., posted lists of candidates, §21-2-583.

#### **Oaths.**

Giving of false certification as to swearing of poll officer, §21-2-584.

Poll officer acting without being sworn, §21-2-584.

Refusal of manager to give oath to poll officer, §21-2-584.

#### **Polling places.**

Campaign activities within vicinity of polling place, §21-2-414.

Quelling disturbances at polling places. Refusal of police officers, §21-2-593.

## INDEX

### **VIOLATIONS—Cont'd**

#### **Polling places—Cont'd**

Refusal of law enforcement officers to remove obstacles from entrances, §21-2-593.

#### **Poll officers.**

Count of votes by officer before closing of polls, §21-2-588.

Failure to keep and return record of assisted voters, §21-2-592.

Giving of false certification as to swearing of poll officer, §21-2-584.

Interfering with poll officers, §21-2-569.

Permitting unlawful assistance to voters, §21-2-591.

Permitting unregistered persons to vote, §21-2-590.

Poll officer acting without being sworn, §21-2-584.

Refusal of manager to administer oath, §21-2-584.

Refusing to permit qualified electors to vote, §21-2-590.

Willful omissions, §21-2-589.

#### **Poll watchers.**

Reports, §21-2-408.

#### **Public officers.**

Failure to perform duty, §21-2-596.

#### **Registration.**

False registration, §21-2-561.

Making false statements, §21-2-219.

#### **Repeat voting in same primary or election, §21-2-572.**

#### **Secretary of state.**

Refusal to permit public inspection of returns, petitions, etc., §21-2-586.

#### **Superintendents.**

Destruction of affidavits, petitions, records, etc., §21-2-585.

Willful refusal to permit public inspection of affidavits, petitions, records, etc., §21-2-585.

#### **Tabulating machines.**

Tampering with or damaging, §21-2-582.

#### **Unauthorized assistance in voting, §21-2-579.**

#### **Unqualified electors, §21-2-571.**

#### **Vote recorders.**

Tampering with or damaging, §21-2-582.

### **VIOLATIONS—Cont'd**

#### **Voting machines.**

Tampering with or damaging, §21-2-580.

#### **VOTE INDICATOR.**

Defined, §21-2-310.

#### **Vote recorders generally.**

See VOTE RECORDERS.

#### **Voting machines.**

See VOTING MACHINES.

#### **VOTE RECORDERS.**

Applicable rules, Rule 183-1-12-.02.

#### **Assisting electors who cannot read English or who have physical disabilities, §21-2-409.**

Ballot cards.

Defective, Rule 183-1-12-.06.

Sealing after tabulation, Rule 183-1-12-.08.

Design to allow clear identification of candidates, §21-2-355.

Duplication and tabulation, Rule 183-1-12-.06.

Sealing after tabulation of defective or duplicated cards, Rule 183-1-12-.08.

Form, §21-2-357.

Rules governing, Rule 183-1-12-.05.

Sealing after tabulation, Rule 183-1-12-.07.

#### **Ballot envelopes.**

Rules governing, Rule 183-1-12-.05.

#### **Ballot labels.**

Arrangement of offices, candidates, etc., §21-2-354.

Form, §21-2-354.

Furnishing, §21-2-359.

Printing, §21-2-354.

Unofficial labels, §21-2-356.

#### **Ballot secrecy.**

Duty of secretary of state and state election board, §21-2-358.

#### **Bond issues.**

Cost of voting machines, §21-2-363.

#### **Candidates.**

Number of candidates accommodated, §21-2-352.

#### **Certificates, §21-2-359.**

#### **Conflicts of interest.**

Pecuniary interest of secretary of state, §21-2-353.

#### **Correction of errors before approval, §21-2-359.**

## INDEX

### **VOTE RECORDERS—Cont'd**

#### **Counting mechanisms.**

Public tests, §21-2-359.

#### **County governing authorities.**

Power to authorize and direct use and purchase, etc., §21-2-351.

#### **Custodians.**

Appointment, §21-2-359.

Compensation, §§21-2-359, 21-2-362.

Deputies, §21-2-359.

Designation, §21-2-362.

Duties, §21-2-359.

Pecuniary interest, §21-2-353.

#### **Definitions, §§21-2-2, 21-2-310.**

#### **Delivery, §21-2-360.**

#### **Different types of recorders, §21-2-352.**

#### **Examinations.**

Fee, §21-2-353.

Improvements and changes for which no examination required, §21-2-353.

Reexamination at discretion of secretary of state, §21-2-353.

Reexamination upon request of electors, §21-2-353.

Report of examination, §21-2-353.

Required before use, §21-2-353.

#### **Exhibition of use, §21-2-361.**

#### **Fees.**

Examination fee, §21-2-353.

#### **Forms.**

Ballot cards for vote recorders, §21-2-357.

#### **Free access to and examination of recorders, §21-2-359.**

#### **General requirements, §21-2-350.**

#### **Improvements.**

No examination required, §21-2-353.

#### **Injury.**

Protection against molestation or injury, §21-2-360.

#### **Inoperable during primary or election, §21-2-356.**

#### **Inspections.**

Secretary of state, §21-2-353.

#### **Installation, §21-2-352.**

#### **Instruction as to use of vote recorders, §21-2-361.**

#### **Leases.**

Power of county governing authorities, §21-2-351.

#### **Minimum number required, §21-2-352.**

#### **Optical scan voting systems.**

Use, §21-2-365.

### **VOTE RECORDERS—Cont'd**

#### **Paper ballots.**

Discontinuance of use, §21-2-352.

Methods of casting ballots, §21-2-416.

Use when vote recorders impossible or impracticable, §§21-2-282, 21-2-364.

#### **Payment.**

Responsibility of county governing authority, §21-2-363.

#### **Political parties.**

Use of separate recorders for each political party, §21-2-355.

#### **Poll officers.**

Instruction as to use, §21-2-99.

#### **Precincts using vote recorders.**

##### **Absentee ballots.**

Counting, §21-2-471:

##### **Ballot cards.**

Conformance of procedures for obtaining, §21-2-470.

Counting, §21-2-471.

Defective cards, §21-2-472.

Disposition, §§21-2-470, 21-2-472.

Marking or defacing by voters, §21-2-470.

Removal of number strips and deposit of ballot cards, §21-2-470.

##### **Close of polls.**

Duties of poll officers, §21-2-473.

##### **Damaged machines.**

Repair, §21-2-470.

##### **Inspection of recorders by poll officers, §21-2-470.**

##### **Instructions to voters, §21-2-470.**

##### **Number strips.**

Disposition, §21-2-470.

Removal, §21-2-470.

##### **Poll officers.**

Duties after close of polls, §21-2-473.

Inspection of recorders, §21-2-470.

##### **Returns.**

Preparation, signing and disposition, §21-2-472.

##### **Write-in ballots.**

Counting, §21-2-471.

#### **Preparation for voting, §21-2-359.**

#### **Program instructions.**

Certification, Rule 183-1-12-.04.

#### **Protection against molestation or injury, §21-2-360.**

#### **Purchasing, printing or otherwise procuring, §21-2-351.**

## INDEX

### **VOTE RECORDERS—Cont'd**

#### **Repair of damaged machines.**

Precincts using vote recorders, .  
§21-2-470.

#### **Reports.**

Examinations, §21-2-353.

#### **Requirements as to vote recorders.**

Generally, §21-2-350.

#### **Seals, §21-2-360.**

#### **Secretary of state.**

Inspections, §21-2-353.

Pecuniary interest, §21-2-353.

Reexamination at discretion, §21-2-353.

#### **Storage and care, §21-2-362.**

#### **Tabulating center personnel.**

Training and certification, Rule  
183-1-12-.03.

#### **Tabulating centers.**

Training and certification of personnel,  
Rule 183-1-12-.03.

#### **Tabulating machines.**

Generally.

See TABULATING MACHINES.

Poll watchers, Rule 183-1-13-.05.

#### **Tampering with or damaging,**

§§21-2-566, 21-2-582.

#### **Working order of recorders, §21-2-352.**

#### **Write-in votes.**

Designing write-in ballots so as to  
detect unauthorized votes,  
§21-2-358.

Proceedings in which write-in votes  
may be used, §21-2-358.

Sealing after tabulation, Rule  
183-1-12-.09.

### **VOTER REGISTRATION.**

See REGISTRATION.

### **VOTER'S CERTIFICATES.**

#### **Binders, §21-2-402.**

Duties of poll officers as to, §21-2-405.

#### **Blank forms, §21-2-400.**

#### **Count and return of votes.**

Procedure after voter's certificate  
sealed, §21-2-437.

#### **Disposition, §21-2-440.**

#### **Disposition after close of polls,**

§21-2-436.

#### **Duties of poll officers as to.**

Precincts using voting machines,  
§§21-2-454, 21-2-455.

#### **Failure to file.**

Prohibited acts by poll officers,  
§21-2-589.

### **VOTER'S CERTIFICATES—Cont'd**

#### **False voter's certificates.**

Preparing or filing by poll officer,  
§21-2-587.

#### **Form, §21-2-402.**

#### **Fraudulent certificates, §21-2-566.**

#### **List.**

Precincts using paper ballots.

Certificate constitutes official list of  
electors, §21-2-432.

#### **Making false entries, §21-2-562.**

#### **Precincts using paper ballots.**

Binder constitutes official list of  
electors, §21-2-432.

Execution of certificate, §21-2-431.

#### **Precincts using voting machines.**

Binder constitutes official list,  
§21-2-453.

Delivery, §21-2-456.

Execution prerequisite to voting,  
§21-2-451.

#### **Preparation by secretary of state, §21-2-402.**

#### **Rejected voter's certificates.**

Disposition, §21-2-436.

#### **Return to superintendent, §§21-2-411, 21-2-432, 21-2-453.**

#### **Tampering with, §21-2-566.**

### **VOTING.**

#### **Ballots.**

See BALLOTS.

#### **Buying or selling votes, §21-2-570.**

#### **Central voting location, §21-2-238.**

#### **Change in county lines.**

Place of voting, §21-2-239.

#### **Hindering the voting of others, §21-2-583.**

#### **Lists.**

Appearance of name on lists as  
prerequisite to voting,  
§21-2-234.

#### **Method of voting.**

Body ticket, §21-2-416.

Individual vote, §21-2-416.

Modified straight party ticket,  
§21-2-416.

Straight political party ticket,  
§21-2-416.

#### **Paper ballots.**

See BALLOTS.

#### **Persons entitled to vote in each precinct, §21-2-238.**

## INDEX

### **VOTING—Cont'd**

#### **Polling places.**

Requirements as to conduct of voters,  
§21-2-413.

#### **Registration.**

See REGISTRATION.

#### **Vote recorders.**

See VOTE RECORDERS.

#### **Write-in votes.**

See WRITE-IN VOTES.

### **VOTING MACHINES.**

#### **Absentee ballot.**

Handicap may use absentee ballots  
when machines inaccessible, Rule  
183-1-12-10.

#### **Affidavits.**

Preparation of machines, §21-2-327.

#### **Approval by secretary, §21-2-324.**

#### **Assisting electors having physical disabilities, §21-2-409.**

#### **Ballot labels.**

Form, §21-2-325.

Furnishing, §21-2-327.

Unofficial ballot labels, §21-2-326.

#### **Bond issues.**

Cost of machines, §21-2-333.

#### **Booths.**

Unauthorized entry, §21-2-568.

#### **Candidates.**

Accommodating reasonable number of  
candidates, §21-2-323.

#### **Costs.**

Issuance of bonds, §21-2-333.

#### **Counting mechanism.**

Concealment, §21-2-330.

#### **Custodians.**

Appointment, §21-2-327.

Compensation, §21-2-331.

Deputies, §21-2-327.

Designation, §21-2-331.

Duties, §21-2-327.

Keys, §21-2-331.

Oath of office, §21-2-327.

#### **Damaging, §21-2-580.**

#### **Definitions, §§21-2-2, 21-2-310.**

#### **Delivery prior to primary or election, §21-2-328.**

#### **Diagrams.**

Posting, §21-2-330.

Publication, §21-2-330.

#### **Discontinuance of paper ballots, §21-2-323.**

### **VOTING MACHINES—Cont'd**

#### **Examinations.**

Duty of secretary of state, §21-2-324.

#### **Examiners.**

Appointment, §21-2-324.

Compensation, §21-2-324.

#### **General requirements as to voting machines, §21-2-322.**

#### **Handicapped persons.**

Absentee ballots may be used when  
machines inaccessible, Rule  
183-1-12-10.

#### **Injury.**

Protection against molestation or  
injury, §21-2-328.

#### **Inspections, §21-2-327.**

#### **Installation, §21-2-323.**

#### **Instruction of electors, §21-2-330.**

#### **Keys.**

Custodians, §21-2-331.

Delivery to chief manager, §21-2-329.

Unauthorized making or possession,  
§21-2-581.

#### **Leases.**

Power of governing authority to  
authorize lease, §21-2-320.

#### **Lists.**

Close of polls.

Comparison of public counter of  
machine with elector's list.

Duties of poll officers, §§21-2-454,  
21-2-455.

#### **Locks.**

Delivery of keys to chief manager,  
§21-2-329.

#### **Minimum number of machines required, §21-2-323.**

#### **Number.**

Minimum number required, §21-2-323.

#### **Occupying poll voting compartment already occupied by another, §21-2-413.**

#### **Paper ballots.**

Use when use of voting machines  
impracticable or impossible,  
§§21-2-281, 21-2-334.

#### **Payment.**

Responsibility of county governing  
authority to provide for,  
§21-2-333.

#### **Poll officers.**

Instruction of officers as to use,  
§21-2-99.

**VOTING MACHINES—Cont'd**

**Portable polling facilities.**

Use, §21-2-332.

**Power of governing authority to authorize use of and to purchase, etc., §21-2-320.**

**Precincts using voting machines.**

Admission of electors to enclosed space, §21-2-452.

**Applications.**

Separate preservation and return of refused applications, §21-2-453.

Canvass, §21-2-455.

**Challenges.**

Voting by electors whose right to vote is challenged, §21-2-452.

**Duplicate return sheets.**

Delivery, §21-2-456.

Form, §21-2-456.

Examination of machines, §21-2-450.

**Handicapped electors.**

Paper ballots for handicapped voters, §21-2-452.

Procedure for electors unable to sign name at time of registration, §21-2-451.

**Instruction cards.**

Posting, §21-2-450.

**Lists.**

Seal and return of list upon completion of vote count and tabulation, §21-2-456.

Voter's certificate binder constitutes official list, §21-2-453.

Locking of machines, §21-2-457.

**Opening polls.**

Procedure, §21-2-450.

**Poll officers.**

Duties after close of polls, §21-2-454.

Posting of statement upon ascertaining vote, §21-2-456.

**Registration.**

Prerequisite to voting, §21-2-451.

Voting by unregistered electors, §21-2-451.

Removal, storage, etc., of machines after completion of vote count, §21-2-457.

**Residence.**

Voting by elector outside of precinct in which he resides, §21-2-451.

Return of votes, §21-2-455.

Form of general return sheet, §21-2-456.

**VOTING MACHINES—Cont'd**

**Precincts using voting machines—Cont'd**

**Signatures.**

Electors unable to sign name at time of registration, §21-2-451.

**Voter's certificates.**

Binder constitutes official list, §21-2-453.

Delivery, §21-2-456.

Registration and execution as prerequisites to voting, §21-2-451.

Voting procedure, §21-2-452.

Write-in votes, §21-2-452.

**Preparation.**

Affidavits, §21-2-327.

Notice of preparation, §21-2-327.

**Protection against molestation or injury, §21-2-328.**

**Purchasing, renting or otherwise procuring, §21-2-320.**

**Referendum on question of use of voting machines, §21-2-321.**

**Requirements as to voting machines.**

Generally, §21-2-322.

**Rules governing.**

No rules, Rule 183-1-12-.01.

**Seals.**

Protection against molestation or injury, §21-2-328.

**Secretary of state.**

Examination, approval, etc., §21-2-324.

**Storage when not in use, §21-2-331.**

**Superintendents.**

See SUPERINTENDENTS.

**Tabulating machine.**

Defined, §21-2-2.

**Tampering with, §§21-2-566, 21-2-580.**

**Use of different types of machines, §21-2-323.**

**Vote recorders.**

See VOTE RECORDERS.

**Voter's certificate binder, §21-2-453.**

**Voting places.**

Arrangement by superintendent, §21-2-267.

**Working order of machines, §21-2-323.**

**VOTING PRECINCTS.**

See PRECINCTS.

INDEX

W

**WEAPONS.**

**Conduct of voters, campaigners, etc., at polling places.**

Requirements as to conduct generally, §21-2-413.

**WITNESSES.**

**Registrars.**

Reexamination of qualifications of electors, §21-2-236.

**State board of elections.**

Power to compel witnesses to answer under oath, §21-2-33.

**WRITE-IN CANDIDATES.**

**Candidates generally.**

See CANDIDATES.

**Certification of candidates by secretary of state, §21-2-133.**

**Limitations on candidacy, §21-2-133.**

**Notice of intent of candidacy, §21-2-133.**

**WRITE-IN VOTES.**

**Computing and certifying, §21-2-494.**

**WRITE-IN VOTES—Cont'd**

**Definition of write-in ballot, §21-2-2.**

**Managers.**

Designing ballots to permit manager to detect unauthorized write-in votes, §21-2-358.

Envelope containing write-in ballots sealed and signed by manager, §21-2-473.

**Precincts using vote recorders.**

Counting of write-in ballots at tabulating machine centers, §21-2-471.

**Precincts using voting machines,**

§21-2-452.

**Returns.**

Manner of computing and certifying, §21-2-494.

**Vote recorders.**

Designing ballots to detect unauthorized write-in votes, §21-2-358.

Proceedings in which write-in votes may be used, §21-2-358.