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ELECTIONS Elections and Primaries Generally: Provide Automatic Disqualification of Candidates Who Pay a Qualifying Fee with a Dishonored Check; Authorize Secretary of State to Investigate Election Fraud; Extend Elections in Case of a State of Emergency; Change Provisions Relating to Municipal Elections and Municipal Registrars; Change Provisions Relating to Voter's Change of Address; Provide Absentee Voters Must Use Voter Identification; Change Provisions Relating to Challenges of Absentee Voter; Eliminate Use of a Hunting or Fishing License as Voter Identification; Change Special Election Requirements; Provide

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# Tampering with Voting Equipment Is a Felony; Change Provisions Relating to Recall Elections

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## ELECTIONS

***Elections and Primaries Generally: Provide Automatic Disqualification of Candidates Who Pay a Qualifying Fee with a Dishonored Check; Authorize Secretary of State to Investigate Election Fraud; Extend Elections in Case of a State of Emergency; Change Provisions Relating to Municipal Elections and Municipal Registrars; Change Provisions Relating to Voter's Change of Address; Provide Absentee Voters Must Use Voter Identification; Change Provisions Relating to Challenges of Absentee Voters; Eliminate Use of a Hunting or Fishing License as Voter Identification; Change Special Election Requirements; Provide Tampering with Voting Equipment Is a Felony; Change Provisions Relating to Recall Elections***

**CODE SECTIONS:** O.C.G.A. §§ 21-2-6, -31 (amended), -50.1 (new), -70.1, -133, -214, -218, -285.1, -290 (amended), -325.1 (new), -359, -380.1, -381, -384, -417, -544 (amended), -582.1 (new), 21-4-4, -5 (amended)

**BILL NUMBER:** HB 110

**ACT NUMBER:** 164

**GEORGIA LAWS:** 2001 Ga. Laws 230

**SUMMARY:** The Act orders the superintendent to automatically disqualify a municipal or county candidate whose check for the qualifying fee is dishonored. The Act also authorizes the Secretary of State to investigate election fraud. The Act allows an election to be postponed when the Governor has declared a state of emergency. The Act gives a write-in candidate in a municipal election more time to give notice of his candidacy. The Act eliminates the requirement that municipal registrars must be residents of the county in which they are registrars. The Act requires registrars to forward a voter's change of address to the voter's new county when the voter completes a voter registration application at

the polling place. The Act mandates that ballots indicate candidates alphabetically. The Act provides that when there are candidates with same or similar names, their addresses are printed on the ballots. The Act outlines that absentee voters must show the same identification as other voters. The Act removes a hunting and fishing license from the list of voter identifications. The Act changes the polling requirements for a special election when only one candidate is qualified. The Act makes voting equipment tampering a felony. The Act also changes provisions relating to recall elections.

EFFECTIVE DATE: April 18, 2001<sup>1</sup>

### *History*

This bill is an annual “housekeeping” bill for the elections code that the Secretary of State asked to be introduced.<sup>2</sup> It was introduced last year as HB 1117, which passed in the House and was favorably reported in the Senate.<sup>3</sup> However, HB 1361 was amended to include the text of HB 1117.<sup>4</sup> HB 1361 was to add Code section 21-2-35, which would require media outlets, such as newspaper, radio, and television stations, to require photo identification when a person wants to place a political advertisement.<sup>5</sup> The media outlet would have had to photocopy the identification and keep it on file for at least a year along with the advertisement for which the person paid.<sup>6</sup> The penalty was \$500 for the first violation and \$1000 for subsequent violations; the fine was to be collected by the State Election Board.<sup>7</sup> HB 1361 passed both the House

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1. See 2001 Ga. Laws 230, §§ 20-21, at 239. The Act became effective upon approval by the Governor. See *id.*, § 20, at 239.

2. See Audio Recording of the House Proceedings, Jan. 25, 2001 (remarks by Rep. Bob Holmes), at <http://www.ganet.org/services/leg/audio/2001archive.html> [hereinafter House Audio].

3. See HB 1117, as introduced, 2000 Ga. Gen. Assem.; State of Georgia Final Composite Status Sheet, HB 1117, Mar. 22, 2000.

4. See HB 1361 (HCSFA), 2000 Ga. Gen. Assem.

5. See HB 1361, as introduced, 2000 Ga. Gen. Assem.

6. See *id.*

7. See *id.*

and Senate after it was amended to include the text of HB 1117.<sup>8</sup> The Governor, however, vetoed that version of the bill.<sup>9</sup> In introducing HB 110, Representative Holmes emphasized the fact that the bill had passed last year in the House, but was vetoed by the Governor when it was attached to HB 1361.<sup>10</sup>

One provision of HB 110 automatically disqualifies a candidate who bounces a check used to pay the qualifying fee.<sup>11</sup> In the 1998 primaries, Senator Ralph David Abernathy III paid the qualifying fee with a check that bounced.<sup>12</sup> After a hearing, he was disqualified.<sup>13</sup> HB 110 would make this type of disqualification automatic.<sup>14</sup>

## *HB 110*

### *Introduction*

Representatives Bob Holmes, Stan Watson, Ron Borders, Sistie Hudson, and Buddy DeLoach, of the 53rd, 70th, 177th, 120th, and 172nd Districts, respectively, sponsored HB 110.<sup>15</sup> The House Speaker assigned the bill to the Governmental Affairs Committee, which favorably reported the bill without changes on January 23, 2001.<sup>16</sup> Representative Holmes handled the bill on the floor when it passed the House on January 25, 2001, with one floor amendment.<sup>17</sup> The Senate assigned the bill to the Ethics Committee when it was introduced on January 26, 2001.<sup>18</sup> The Committee favorably reported the bill without changes on February 8, 2001.<sup>19</sup> No changes were made on the floor and the bill passed the Senate on February 15, 2001.<sup>20</sup> The Governor signed the bill into law on April 18, 2001.<sup>21</sup>

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8. See State of Georgia Final Composite Status Sheet, HB 1361, Mar. 22, 2000.

9. See *id.*

10. See House Audio, *supra* note 2 (remarks by Rep. Bob Holmes).

11. See HB 110, § 1, as introduced, 2001 Ga. Gen. Assem.

12. See *Senate Passes Bill to Revise State Election Code*, AP NEWSWIREs, Feb. 15, 2001, available in Westlaw, GA NEWS database.

13. See *id.*

14. See HB 110, § 1, as introduced, 2001 Ga. Gen. Assem.

15. See HB 110, as introduced, 2001 Ga. Gen. Assem.

16. See State of Georgia Final Composite Status Sheet, HB 110, Mar. 21, 2001.

17. See State of Georgia Final Composite Status Sheet, HB 110, Mar. 21, 2001.

18. See State of Georgia Final Composite Status Sheet, HB 110, Mar. 21, 2001.

19. See State of Georgia Final Composite Status Sheet, HB 110, Mar. 21, 2001.

20. See State of Georgia Final Composite Status Sheet, HB 110, Mar. 21, 2001.

21. See 2001 Ga. Laws 230, § 21, at 239.

*Consideration in the House*

Representative Holmes stressed that HB 110 is the same bill that was introduced last year and is only a housekeeping bill.<sup>22</sup> Five amendments were introduced on the floor, yet only one amendment was adopted. Representative Brian Joyce of the 1st District introduced an amendment to limit the amount of time an election can be postponed in the event of a state of emergency in new Code section 21-2-50.1.<sup>23</sup> That section stated that the time in which the Secretary of State can postpone or extend an election “shall be reasonable.”<sup>24</sup> The amendment the House ultimately adopted changed the section to read “shall not exceed 45 days.”<sup>25</sup> Representative Joyce wanted to “err on the side of caution” by limiting the number of days an election could be postponed as a safeguard against abuse of the power to postpone elections.<sup>26</sup>

Representative Robert Franklin of the 39th District also proposed an amendment to entirely strike new Code section 21-2-50.1.<sup>27</sup> He was concerned that the section gave the governor power to arbitrarily declare a state of emergency in an area where a particular political party might benefit.<sup>28</sup> He did not want results of other elections to be certified while one area had not yet voted.<sup>29</sup> This amendment was not passed by the House.<sup>30</sup>

Representative Warren Massey of the 86th District proposed an amendment that was discussed at length in the House, but later failed.<sup>31</sup> He proposed prohibiting exit polling during an election.<sup>32</sup> This amendment was objected to as violative of the First Amendment of the United States Constitution.<sup>33</sup> Representative Bordeaux also noted that

22. See House Audio, *supra* note 2 (remarks by Rep. Bob Holmes).

23. See Failed House Floor Amendment to HB 110, introduced by Rep. Brian Joyce, Jan. 25, 2001.

24. See HB 110, as introduced, 2001 Ga. Gen. Assem.

25. Compare HB 110, as introduced, 2001 Ga. Gen. Assem., with HB 110 (HFA), 2001 Ga. Gen. Assem. Rep. Joyce introduced the amendment as “shall not exceed 30 days,” but Rep. Bordeaux of the 151st District amended the provision to 45 days. See House Audio, *supra* note 2 (voting on amendment).

26. See House Audio, *supra* note 2 (remarks by Rep. Brian Joyce).

27. See Failed House Floor Amendment to HB 110, introduced by Rep. Robert Franklin, Jan. 25, 2001.

28. See House Audio, *supra* note 2 (remarks by Rep. Robert Franklin).

29. See *id.*

30. See Georgia House Voting Record, HB 110 (Jan. 25, 2001).

31. See Failed House Floor Amendment to HB 110, introduced by Rep. Warren Massey, Jan. 25, 2001.

32. See House Audio, *supra* note 2 (discussing the proposed Massey amendment). The amendment read: “It shall be unlawful to conduct exit polling during a general or primary election. Violation of this Code section shall be punishable as a misdemeanor.” Failed House Floor Amendment to HB 110, introduced by Rep. Warren Massey, Jan. 25, 2001. Rep. Massey then amended his amendment to delete “conduct” and replace it with “disseminate over the public media.” *Id.*

33. See House Audio, *supra* note 2 (discussing the proposed amendment); see also U.S. CONST.

a permanent federal injunction prohibits the General Assembly from enacting this type of legislation.<sup>34</sup>

Representative John Wiles of the 34th District proposed an amendment to amend Code section 21-2-218(d) to state that an elector who moves within the county, but to a different precinct, and fails to notify the registrars “shall not vote in the precinct of elector’s former address but shall be allowed to vote in precinct of the elector’s current residence.”<sup>35</sup> Without the amendment, Code section 21-2-218(d) states such an elector “shall vote in the precinct of such elector’s former residence.”<sup>36</sup> Representative Wiles stated that he knew of a situation in Cobb County where electors moving within the county boundaries had voted in house district races outside of the precinct in which they then resided.<sup>37</sup> He stated that the law clearly allowed for this “quirk” and he wanted to straighten it out so that the representatives are voted on by people who actually live in the district.<sup>38</sup> However, this amendment failed by a vote of 81 to 87.<sup>39</sup>

Representative Earl Ehrhart of the 36th District also proposed an amendment to only allow photo identifications to be used to vote; the amendment would strike certain forms of identification from Code section 21-2-417, including a license to carry a firearm, an FAA pilot’s license, birth certificate, social security card, naturalization documents, or certified copy of court records showing adoption, name or sex change.<sup>40</sup> The only discussion on the floor concerning this amendment occurred during the voting; one concern that was mentioned is the fact that Georgia law allows for an affidavit to suffice to vote, which does not contain a photo.<sup>41</sup> This amendment also failed.<sup>42</sup>

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amend I.

34. See House Audio, *supra* note 2 (remarks by Rep. Bordeaux); see also *Nat’l Broad. Co., Inc. v. Cleland*, 697 F. Supp. 1204 (N.D. Ga. 1988) (enjoining enforcement of O.C.G.A. § 21-2-414(a), forbidding exit polling beyond twenty-five feet of a polling place).

35. See Failed House Floor Amendment to HB 110, introduced by Rep. John Wiley, Jan. 25, 2001.

36. See HB 110, as introduced, 2001 Ga. Gen. Assem.

37. See House Audio, *supra* note 2 (remarks by Rep. Wiles).

38. See House Audio, *supra* note 2 (remarks by Rep. Wiles).

39. See Georgia House Voting Record, HB 110 (Jan. 25, 2001).

40. See Failed House Floor Amendment to HB 110, introduced by Rep. Earl Ehrhart, Jan. 25, 2001.

41. See House Audio, *supra* note 2 (remarks by Rep. Jeffrey Williams).

42. See Georgia House Voting Record, HB 110 (Jan. 25, 2001).

### *Consideration in the Senate*

The bill passed easily in the Senate with no changes on the floor.<sup>43</sup> Most of the discussion in the Senate concerned a failed amendment proposed by Senator Joe Burton of the 5th District.<sup>44</sup> In an amendment which would have incorporated SB 8 into HB 110, Burton proposed requiring photo identification when voting and eliminating Code Section 21-2-417(b), which allows a voter to sign an affidavit as a form of identification at the polls.<sup>45</sup> Burton viewed this amendment as a way to combat voter fraud.<sup>46</sup> However, Senator Michael Meyer von Bremen of the 12th District argued that the amendment would disenfranchise voters, particularly those in rural areas.<sup>47</sup> After the debate, the proposed amendment was defeated, and the Senate passed the bill almost unanimously.<sup>48</sup>

### *The Act*

The Act amends sixteen Code sections and adds three new sections in Title 21, relating to elections.<sup>49</sup>

### *Code Section 21-2-6*

The Act amends Code Section 21-2-6 by inserting a new subsection (d).<sup>50</sup> The new subsection allows the superintendent to automatically disqualify a candidate whose check for the qualifying fee is returned for

43. See State of Georgia Final Composite Status Sheet, HB 110, Mar. 21, 2001.

44. See Failed Senate Floor Amendment to HB 110, introduced by Senator Joe Burton, Feb. 15, 2001; see also Audio Recording of the Senate Proceedings, Feb. 15, 2001 (remarks by Sen. Joe Burton), at <http://www.ganet.org/services/leg/audio/2001archive.html> [hereinafter Senate Audio].

45. See SB 8, as introduced, 2001 Ga. Gen. Assem. The bill was assigned to the State and Local Governmental Operations on Jan. 10, 2001. See State of Georgia Final Composite Status Sheet, SB 8, Mar. 21, 2001. Sen. Burton knew the bill would not get out of Committee, so he attached it to HB 110 to get it on the floor. See Telephone Interview with Sen. Joe Burton, Senate District No. 5 (Apr. 6, 2001) [hereinafter Burton Interview].

46. See Senate Audio, *supra* note 44 (remarks by Sen. Joe Burton); Burton Interview, *supra* note 45 (stating that this is the only way to have an honest election).

47. See Senate Audio, *supra* note 44 (remarks by Sen. Meyer von Bremen); see also Dave Williams, *Senate Rejects Photo ID Bill: Lawmakers Vote 21-32 to Defeat Amendment That Would Require Voters to Show Identification First*, AUGUSTA CHRON., Feb. 16, 2001, at C1.

48. See Georgia Senate Voting Record, HB 110 (Feb. 15, 2001).

49. See 2001 Ga. Laws 230.

50. Compare 1998 Ga. Laws 295, § 1, at 303 (formerly found at O.C.G.A. § 21-2-6 (1998)), with O.C.G.A. § 21-2-6 (Supp. 2001).



insufficient funds.<sup>51</sup> The candidate may still meet the qualifications if he obtains confirmation in writing that the financial institution erred.<sup>52</sup>

*Code Section 21-2-31*

The Act amends Code Section 21-2-31, extending the power to investigate election fraud to the Secretary of State, a power previously held by the State Elections Board alone.<sup>53</sup>

*Code Section 21-2-50.1*

The Act adds new Code section 21-2-50.1, authorizing the Secretary of State to postpone or extend an election for up to forty-five days when the Governor has declared a state of emergency or disaster.<sup>54</sup>

*Code Section 21-2-70.1*

The Act amends Code section 21-2-70.1 to state that municipal superintendents, who conduct municipal elections, shall be appointed in a public meeting, which is more specific than the former language (“in the manner prescribed”).<sup>55</sup>

*Code Section 21-2-133*

The Act changes the notification of intention of candidacy procedures for write-in candidates in Code section 21-2-133.<sup>56</sup> The amended section retains the former time line for county, state, and federal elections, but institutes a separate time line for municipal elections.<sup>57</sup> A write-in candidate for a municipal election must give notice of intention of

51. See O.C.G.A. § 21-2-6 (Supp. 2001).

52. See *id.*

53. Compare 1998 Ga. Laws 295, § 1, at 308 (formerly found at O.C.G.A. § 21-2-31 (1998)), with O.C.G.A. § 21-2-31 (Supp. 2001). This addition was not intended to take power away from the State Elections Board, only to give the Secretary of State the discretion to investigate, in addition to the Attorney General's office. See House Audio, *supra* note 2 (remarks by Rep. Bob Holmes).

54. See O.C.G.A. § 21-2-50.1 (Supp. 2001).

55. Compare 1998 Ga. Laws 295, § 1, at 318 (formerly found at O.C.G.A. § 21-2-70.1 (1998)), with O.C.G.A. § 21-2-70.1 (Supp. 2001).

56. Compare 1999 Ga. Laws 52, § 6, at 56 (formerly found at O.C.G.A. § 21-2-133 (Supp. 2000)), with O.C.G.A. § 21-2-133 (Supp. 2001).

57. Compare 1999 Ga. Laws 52, § 6, at 56 (formerly found at O.C.G.A. § 21-2-133 (Supp. 2000)), with O.C.G.A. § 21-2-133 (Supp. 2001).

candidacy within seven days of the end of the municipal qualifying period.<sup>58</sup>

#### *Code Section 21-2-214*

The Act amends the requirements for registrars in Code section 21-2-214, distinguishing between county registrars and municipal registrars.<sup>59</sup> County registrars must still be residents of the county in which they serve, but this residency requirement is eliminated for municipal registrars, who must now simply be registered Georgia voters.<sup>60</sup>

#### *Code Section 21-2-218*

The Act amends Code section 21-2-218, changing the time in which an elector must notify the board of registrars that he has moved from thirty days to the fifth Monday before the election.<sup>61</sup> An added subsection also requires the registrar to forward a voter registration application to the registrar in the voter's new county when a change of address application is completed at the polls.<sup>62</sup>

#### *Code Section 21-2-285.1*

The Act amends Code section 21-2-285.1 to state that nonpartisan candidates' names on a ballot will now be arranged alphabetically under the title of the office for which they are nominated.<sup>63</sup> It also requires that incumbents shall be designated as such on a ballot.<sup>64</sup>

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58. See O.C.G.A. § 21-2-133 (Supp. 2001).

59. Compare 1998 Ga. Laws 295, § 1, at 364 (formerly found at O.C.G.A. § 21-2-214 (1998)), with O.C.G.A. § 21-2-214 (Supp. 2001).

60. Compare 1998 Ga. Laws 295, § 1, at 364 (formerly found at O.C.G.A. § 21-2-214 (1998)), with O.C.G.A. § 21-2-214 (Supp. 2001). Eliminating the residency requirement is designed to help ensure a sufficient number of municipal registrars—a problem in some counties. See House Audio, *supra* note 2 (remarks by Rep. Bob Holmes).

61. Compare 1998 Ga. Laws 295, § 1, at 370 (formerly found at O.C.G.A. § 21-2-218 (1998)), with O.C.G.A. § 21-2-218 (Supp. 2001).

62. See O.C.G.A. § 21-2-218(h) (Supp. 2001).

63. Compare 1998 Ga. Laws 295, § 1, at 403 (formerly found at O.C.G.A. § 21-2-285.1 (1998)), with O.C.G.A. § 21-2-285.1 (Supp. 2001).

64. Compare 1998 Ga. Laws 295, § 1, at 403 (formerly found at O.C.G.A. § 21-2-285.1 (1998)), with O.C.G.A. § 21-2-285.1 (Supp. 2001).

*Code Section 21-2-290*

The Act amends Code section 21-2-290 to state that the superintendent will provide as many ballots as there are “active” registered voters.<sup>65</sup>

*Code Section 21-2-325.1*

The Act creates new Code section 21-2-325.1, detailing further how a ballot is to be formatted.<sup>66</sup> It provides that if there are two or more candidates for a particular office who have similar names, then the candidates’ addresses will also be listed on the ballot.<sup>67</sup> The Code section specifies that the official’s decision is final as to whether the names are sufficiently similar to invoke this section.<sup>68</sup>

*Code Section 21-2-359*

The Act amends Code section 21-2-359 to further specify exactly how vote recorders are to be tested before each election.<sup>69</sup> Previously, the ballots used to test the machine had more votes on them than allowed; with this amendment, the tests must also include improperly marked ballot cards.<sup>70</sup>

*Code Section 21-2-380.1*

The Act clarifies Code section 21-2-380.1 regarding exactly which “governing authority” appoints absentee ballot clerks; it is to be the governing authority “of a municipality.”<sup>71</sup>

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65. Compare 1998 Ga. Laws 295, § 1, at 405 (formerly found at O.C.G.A. § 21-2-290 (1998)), with O.C.G.A. § 21-2-290 (Supp. 2001).

66. See O.C.G.A. § 21-2-325.1 (Supp. 2001).

67. See *id.*

68. See *id.*

69. Compare 1998 Ga. Laws 295, § 1, at 422 (formerly found at O.C.G.A. § 21-2-359 (1998)), with O.C.G.A. § 21-2-359 (Supp. 2001).

70. Compare 1998 Ga. Laws 295, § 1, at 422 (formerly found at O.C.G.A. § 21-2-359 (1998)), with O.C.G.A. § 21-2-359 (Supp. 2001).

71. Compare 1998 Ga. Laws 295, § 1, at 425 (formerly found at O.C.G.A. § 21-2-380.1 (1998)), with O.C.G.A. § 21-2-380.1 (Supp. 2001).

*Code Section 21-2-381*

The Act amends Code section 21-2-381 to require that absentee voters must now show the same form of identification that is required of other voters in Code section 21-2-417.<sup>72</sup>

*Code Section 21-2-384*

The Act amends Code section 21-2-384 to change the deadline by which one must challenge absentee voters.<sup>73</sup> The former deadline was at the closing of the polls; the Act provides that the deadline is noon on the day of the election or primary.<sup>74</sup>

*Code Section 21-2-417*

The Act amends Code section 21-2-417 to no longer allow a Georgia hunting or fishing license to be used for voter identification.<sup>75</sup>

*Code Section 21-2-544*

The Act strikes language from Code section 21-2-544 to give the county superintendent broader discretion regarding how to run special elections for a General Assembly vacancy.<sup>76</sup> The former language specified that only one polling place had to be open if only one candidate was qualified for the vacant seat.<sup>77</sup> The remaining, and

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72. Compare 1998 Ga. Laws 295, § 1, at 425-27 (formerly found at O.C.G.A. § 21-2-381 (1998)), with O.C.G.A. § 21-2-381 (Supp. 2001).

73. Compare 1999 Ga. Laws 52, § 12, at 62 (formerly found at O.C.G.A. § 21-2-384 (Supp. 2000)), with O.C.G.A. § 21-2-384 (Supp. 2001).

74. Compare 1999 Ga. Laws 52, § 12, at 62 (formerly found at O.C.G.A. § 21-2-384 (Supp. 2000)), with O.C.G.A. § 21-2-384 (Supp. 2001). Rep. Holmes indicated that this change was intended to speed up the ballot counting. See House Audio, *supra* note 2 (remarks by Rep. Bob Holmes).

75. Compare 1998 Ga. Laws 295, § 1, at 447 (formerly found at O.C.G.A. § 21-2-417(a)(7) (1998)), with O.C.G.A. § 21-2-417 (Supp. 2001).

76. Compare 1998 Ga. Laws 295, § 1, at 492 (formerly found at O.C.G.A. § 21-2-544 (1998)), with O.C.G.A. § 21-2-544 (Supp. 2001). Rep. Holmes stated on the floor that the Secretary of State requested this language be stricken to allow more discretion. See House Audio, *supra* note 2 (remarks by Rep. Bob Holmes).

77. See 1998 Ga. Laws 295, § 1, at 492 (formerly found at O.C.G.A. § 21-2-544 (1998)).

current, language states that the county superintendent “shall publish the call of the election.”<sup>78</sup>

*Code Section 21-2-582.1*

The Act adds Code section 21-2-582.1 to provide that tampering with voting equipment, as it is defined in subsection (a), is a felony.<sup>79</sup>

*Code Section 21-4-4*

The Act amends Code section 21-4-4 to change the minimum number of electors that must petition to recall a state or local officer.<sup>80</sup> The former language required a percentage of the number of electors who were registered to vote at the “last preceding general election” involving the officer’s position; the new language strikes “general” from this formulation.<sup>81</sup>

*Code Section 21-4-5*

The Act amends Code section 21-4-5 in the same manner as Section 18 of the Act was changed, but affects the number of electors that must file for an application for a recall petition.<sup>82</sup> The number must now be 100 or at least ten percent of those registered to vote in the last preceding election, not “general” election, which involved the officer’s position.<sup>83</sup>

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78. Compare 1998 Ga. Laws 295, § 1, at 492 (formerly found at O.C.G.A. § 21-2-544 (1998)), with O.C.G.A. § 21-2-544 (Supp. 2001).

79. See O.C.G.A. § 21-2-582.1 (Supp. 2001).

80. Compare 1989 Ga. Laws 1721, § 1, at 1725 (formerly found at O.C.G.A. § 21-4-4 (1998)), with O.C.G.A. § 21-4-4 (Supp. 2001).

81. Compare 1989 Ga. Laws 1721, § 1, at 1725 (formerly found at O.C.G.A. § 21-4-4(a)(1) (1998)), with O.C.G.A. § 21-4-4 (Supp. 2001).

82. Compare 1989 Ga. Laws 1721, § 1, at 1728 (formerly found at O.C.G.A. § 21-4-5 (1998)), with O.C.G.A. § 21-4-5 (Supp. 2001).

83. Compare 1989 Ga. Laws 1721, § 1, at 1728 (formerly found at O.C.G.A. § 21-4-5 (1998)), with O.C.G.A. § 21-4-5 (Supp. 2001).