

The House Committee on Governmental Affairs offers the following substitute to HB 814:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to
2 provide that registered political bodies may nominate candidates for state-wide and
3 congressional offices; to provide a short title; to provide for legislative intent; to change the
4 provisions relating to procedures for qualification of candidates generally; to change the
5 provisions relating to nomination of candidates by petition; to change the provisions relating
6 to nomination of presidential electors and candidates of political bodies by convention; to
7 change the provisions relating to nomination of candidates of political bodies for state-wide
8 and congressional office by convention, including the manner of qualification, the filing of
9 petitions, restriction on amendment or supplementation of petitions, examination of petitions,
10 and the holding of conventions; to provide for related matters; to repeal conflicting laws; and
11 for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

13 This Act shall be known and may be cited as the "Voter Choice and Election Access Reform
14 Act of 2002."
15

SECTION 2.

16 It is the intent of the General Assembly to increase voter participation and political debate
17 by making the ballot more accessible for political organizations which register as a political
18 body under state law and for independent candidates.
19

SECTION 3.

20 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by
21 striking paragraph (25) of Code Section 21-2-2, relating to definitions, and inserting in lieu
22 thereof the following:
23

24 "(25) 'Political party' or 'party' means any political organization which at the preceding:

1 (A) Gubernatorial election nominated a candidate for Governor and whose candidate
 2 for Governor at such election polled at least ~~20~~ 10 percent of the total vote cast in the
 3 state for Governor; or

4 (B) Presidential election nominated a candidate for President of the United States and
 5 whose candidates for presidential electors at such election polled at least ~~20~~ 10 percent
 6 of the total vote cast in the nation for that office."

7 SECTION 4.

8 Said title is further amended by striking in its entirety paragraph (3) of Code Section
 9 21-2-130, relating to procedures for qualification of candidates generally, and inserting in
 10 lieu thereof the following:

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

15 SECTION 5.

16 Said title is further amended by striking in its entirety subsection (b) of Code Section
 17 21-2-170, relating to nomination of candidates by petition, and inserting in lieu thereof a new
 18 subsection (b) to read as follows:

19 "(b) A nomination petition of a candidate seeking an office which is voted upon state wide
 20 or any congressional office shall be signed by a number of voters equal to ~~1~~ at least 2
 21 percent of the total number of registered voters eligible to vote in the last election for the
 22 filling of the office the candidate is seeking or 15,000 signatures, whichever is less, and the
 23 signers of such petition shall be registered and eligible to vote in the election at which such
 24 candidate seeks to be elected. A nomination petition of a candidate seeking election to the
 25 state Senate shall be signed by a number of voters equal to at least 3 percent of the total
 26 number of registered voters eligible to vote in the last election for the filling of the office
 27 the candidate is seeking or 3,000 signatures, whichever is greater, and the signers of such
 28 petition shall be registered and eligible to vote in the election at which such candidate seeks
 29 to be elected. A nomination petition of a candidate seeking election to the state House of
 30 Representatives from a single-member district shall be signed by a number of voters equal
 31 to at least 3 percent of the total number of registered voters eligible to vote in the last
 32 election for the filling of the office the candidate is seeking or 1,000 signatures, whichever
 33 is greater, and the signers of such petition shall be registered and eligible to vote in the
 34 election at which such candidate seeks to be elected. A nomination petition of a candidate
 35 seeking election to the state House of Representatives from a multimember district shall

1 be signed by a number of voters equal to at least 3 percent of the total number of registered
 2 voters eligible to vote in the last election for the filling of the office the candidate is seeking
 3 or a number of voters equal to 1,000 multiplied by the number of posts in such
 4 multimember district, whichever is greater, and the signers of such petition shall be
 5 registered and eligible to vote in the election at which such candidate seeks to be elected.

6 A nomination petition of a candidate for any other office shall be signed by a number of
 7 voters equal to 5 percent of the total number of registered voters eligible to vote in the last
 8 election for the filling of the office the candidate is seeking and the signers of such petition
 9 shall be registered and eligible to vote in the election at which such candidate seeks to be
 10 elected. However, in the case of a candidate seeking an office for which there has never
 11 been an election or seeking an office in a newly constituted constituency, the percentage
 12 figure shall be computed on the total number of registered voters in the constituency who
 13 would have been qualified to vote for such office had the election been held at the last
 14 general election and the signers of such petition shall be registered and eligible to vote in
 15 the election at which such candidate seeks to be elected."

16 **SECTION 6.**

17 Said title is further amended by striking in its entirety subsection (a) of Code Section
 18 21-2-172, relating to the nomination of presidential electors and candidates of political
 19 bodies by convention, and inserting in lieu thereof a new subsection (a) to read as follows:

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

1 presentation of the petitions to the Secretary of State for filing, but such request shall be
2 disregarded if made after such presentation.

3 21-2-183.

4 (a) A petition to qualify a political body to nominate candidates for public state-wide and
5 congressional office by convention shall be on one or more sheets of uniform size, and
6 different sheets must be used by signers residing in different counties. The upper portion
7 of each sheet, prior to being signed by any petitioner, shall bear the name and title of the
8 Secretary of State and the political body to be formed by the petition. If more than one
9 sheet is used, they shall be bound together when offered for filing and each sheet shall be
10 numbered consecutively, beginning with number one, at the foot of each page.

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

13 (1) The residence address of the circulator;

14 (2) That each signer manually signed such signer's own name with full knowledge of the
15 contents of the political body qualifying petitions;

16 (3) That, to the best of the affiant's knowledge and belief, the signers are registered
17 voters of the State of Georgia, qualified to sign the petition;

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

19 (5) That they all reside in the county named in the affidavit.

20 21-2-184.

21 A petition to qualify a political body to nominate candidates for state-wide public and
22 congressional office by convention shall not be amended or supplemented after its
23 presentation to the Secretary of State for filing.

24 21-2-185.

25 No petition to qualify a political body shall be submitted to the Secretary of State for
26 verification after 12:00 Noon on the second Tuesday in July.

27 21-2-186.

28 Petitions to qualify a political body to nominate candidates for state-wide public and
29 congressional office by convention shall be examined and shall be subject to judicial
30 review in the same manner as provided for candidates nominated by petition pursuant to
31 Code Section 21-2-171.

1 21-2-187.

2 In order to qualify its candidates to be listed on the general election ballot, political
3 ~~Political~~ bodies shall hold their conventions in accordance with Code Section 21-2-172 and
4 candidates nominated for state-wide public or congressional office in convention shall file
5 a notice of candidacy no earlier than 9:00 A.M. on the fourth Monday in June immediately
6 prior to the election and no later than 12:00 Noon on the Friday following the fourth
7 Monday in June as prescribed in Code Section 21-2-132; provided, however, that the
8 political body must file its qualifying petition, when necessary, no later than 12:00 Noon
9 on the second Tuesday in July following the convention as prescribed in Code Section
10 21-2-172 in order to qualify its candidates to be listed on the general election ballot;
11 provided, further, that, for general elections held in the even-numbered year immediately
12 following the official release of the United States decennial census data to the states for the
13 purpose of redistricting of the legislatures and the United States House of Representatives,
14 candidates nominated for state-wide public or congressional office shall file a notice of
15 candidacy no earlier than 9:00 A.M. on the last Monday in July immediately prior to the
16 election and no later than 12:00 Noon on the Friday following the last Monday in July as
17 prescribed in Code Section 21-2-132; provided, further, that the political body must file its
18 qualifying petition, when necessary, no later than 12:00 Noon on the first Monday in
19 August following the convention as prescribed in Code Section 21-2-172 in order to qualify
20 its candidates to be listed on the general election ballot."

21 **SECTION 8.**

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