

House Bill 438

By: Representatives Purcell of the 147th, Ray of the 128th, Greene of the 158th, Floyd of the 138th and Snow of the 2nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated,
2 relating to selection and qualification of candidates and presidential electors, so as to change
3 the time of qualifying for independent and political body candidates from the week beginning
4 on the fourth Monday in June to the week beginning on the fourth Monday in April; to
5 change the time for political bodies to hold conventions to nominate candidates; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 4 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
10 selection and qualification of candidates and presidential electors, is amended by striking
11 subsections (c) and (d) of Code Section 21-2-132, relating to filing notices of candidacy, in
12 their entirety and inserting in lieu thereof new subsections (c) and (d) to read as follows:

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

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

25 (2) Each candidate for a county office, or his or her agent, desiring to have his or her
26 name placed on the election ballot shall file notice of his or her candidacy in the office

1 of the superintendent of his or her county no earlier than 9:00 A.M. on the fourth Monday
 2 in ~~June~~ April immediately prior to the election and no later than 12:00 Noon on the
 3 Friday following the fourth Monday in ~~June~~ April in the case of a general election and
 4 no earlier than the date of the call of the election and no later than 25 days prior to the
 5 election in the case of a special election;

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

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

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

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

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

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

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

4 (2) Seeking office in a special election;

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

9 (4) A candidate seeking nomination or election in a nonpartisan primary or election; or

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

13 SECTION 2.

14 Said article is further amended by striking Code Section 21-2-172, relating to nomination of
 15 presidential electors and candidates of political bodies by convention, in its entirety and
 16 inserting in lieu thereof a new Code Section 21-2-172 to read as follows:

17 "(e) A convention for the purpose of nominating candidates shall be held at least ~~150~~ 200
 18 days prior to the date on which the general election is conducted."

19 SECTION 3.

20 Said article is further amended by striking Code Section 21-2-187, relating to the holding of
 21 conventions and filing a notice of candidacy, in its entirety and inserting in lieu thereof a new
 22 Code Section 21-2-187 to read as follows:

23 "21-2-187.

24 Political bodies shall hold their conventions in accordance with Code Section 21-2-172 and
 25 candidates nominated for state-wide public office in convention shall file a notice of
 26 candidacy no earlier than 9:00 A.M. on the fourth Monday in ~~June~~ April immediately prior
 27 to the election and no later than 12:00 Noon on the Friday following the fourth Monday in
 28 ~~June~~ April as prescribed in Code Section 21-2-132; provided, however, that the political
 29 body must file its qualifying petition no later than 12:00 Noon on the second Tuesday in
 30 July following the convention as prescribed in Code Section 21-2-172 in order to qualify
 31 its candidates to be listed on the general election ballot."

32 SECTION 4.

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