

House Bill 839

By: Representatives Day of the 153rd, Mueller of the 152nd and Joyce of the 1st

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:

13 style="text-align:center">**SECTION 1.**

14 This Act shall be known and may be cited as the "Voter Choice and Ballot Retention Reform
15 Act of 2001."

16 style="text-align:center">**SECTION 2.**

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

20 style="text-align:center">**SECTION 3.**

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

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 subsection (d) of Code Section 21-2-132, relating
 17 to the filing of nomination petitions, and inserting in lieu thereof a new subsection (d) to read
 18 as follows:

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

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

28 (2) Seeking office in a special election;

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

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

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

4 (6) A candidate seeking an office that is not statewide if such candidate, for the
 5 immediately prior election for the same office, received a number of votes equal to or
 6 greater than the number of nomination petition signatures that would have been otherwise
 7 required to have gotten on that ballot, and also such candidate, for any prior election for
 8 the same office, filed a notice of candidacy and a nomination petition as required by this
 9 chapter; or

10 (7) A candidate seeking an office that is not statewide if such candidate has been
 11 nominated by a duly constituted political body convention, and also such political body
 12 nominated a candidate who, for the immediately prior election for the same office,
 13 received a number of votes equal to or greater than the number of nomination petition
 14 signatures that would have been otherwise required to have gotten on that ballot, and also
 15 such political body nominated a candidate who, for any prior election for the same office,
 16 filed a notice of candidacy and a nomination petition as required by this chapter."

17 SECTION 6.

18 Said title is further amended by striking in its entirety subsection (b) of Code Section
 19 21-2-170, relating to nomination of candidates by petition, and inserting in lieu thereof a new
 20 subsection (b) to read as follows:

21 "(b) A nomination petition of a candidate seeking an office which is voted upon state wide
 22 or any congressional office shall be signed by a number of voters equal to 1 percent of the
 23 total number of registered voters eligible to vote in the last election for the filling of the
 24 office the candidate is seeking or 10,000 signatures, whichever is less, and the signers of
 25 such petition shall be registered and eligible to vote in the election at which such candidate
 26 seeks to be elected. A nomination petition of a candidate for any other office shall be
 27 signed by a number of voters equal to 5 3 percent of the total number of registered voters
 28 eligible to vote in the last election for the filling of the office the candidate is seeking and
 29 the signers of such petition shall be registered and eligible to vote in the election at which
 30 such candidate seeks to be elected. However, in the case of a candidate seeking an office
 31 for which there has never been an election or seeking an office in a newly constituted
 32 constituency, the percentage figure shall be computed on the total number of registered
 33 voters in the constituency who would have been qualified to vote for such office had the
 34 election been held at the last general election and the signers of such petition shall be
 35 registered and eligible to vote in the election at which such candidate seeks to be elected."

SECTION 7.

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

"(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 and congressional 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 chairperson 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."

SECTION 8.

Said title is further amended by striking in its entirety Part 4 of Article 4 of Chapter 2 thereof, relating to nomination of candidates of political bodies for state-wide public office by convention, and inserting in lieu thereof a new Part 4 to read as follows:

"Part 4

21-2-180.

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 and congressional 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 10,000, whichever is less; 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

1 total number of registered voters who were registered and eligible to vote in such general
2 election.

3 21-2-181.

4 Petitions to qualify political bodies to nominate candidates for state-wide ~~public~~ and
5 congressional office by convention shall be filed with the Secretary of State and shall be
6 signed by voters in the manner provided in this part. Such petitions shall provide sufficient
7 space for the printing of the voter's name and for the voter's signature. No forms other
8 than those prescribed in this part shall be used for qualifying a political body to nominate
9 candidates for ~~public~~ state-wide and congressional office.

10 21-2-182.

11 Each person signing a political body qualifying petition shall declare therein that such
12 person is a duly qualified and registered voter of the state, entitled to vote in the next
13 election for members of the General Assembly, and shall provide with such person's
14 signature such person's residence address and county and the date of such person's
15 signature. No person shall sign the same petition more than once. Each petition shall
16 support the qualification of only one political body. No signature shall be valid if made
17 more than 15 months prior to the submission of the petitions to the Secretary of State. A
18 signature shall be stricken from the petition when the signer so requests prior to the
19 presentation of the petitions to the Secretary of State for filing, but such request shall be
20 disregarded if made after such presentation.

21 21-2-183.

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

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

31 (1) The residence address of the circulator;

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

- 1 (3) That, to the best of the affiant's knowledge and belief, the signers are registered
 2 voters of the State of Georgia, qualified to sign the petition;
 3 (4) That their respective residences are correctly stated in the petition; and
 4 (5) That they all reside in the county named in the affidavit.

5 21-2-184.

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

9 21-2-185.

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

12 21-2-186.

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

17 21-2-187.

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

27 **SECTION 9.**

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