

House Bill 188

By: Representatives Joyce of the 1<sup>st</sup>, Holmes of the 53<sup>rd</sup>, Stuckey of the 67<sup>th</sup>, Brooks of the 54<sup>th</sup>, Kaye of the 37<sup>th</sup> and others

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 all offices; to provide  
3 a short title; to provide for purpose and legislative intent; to change the provisions relating  
4 to procedures for qualification of candidates generally; to change the provisions relating to  
5 nomination of candidates by petition; to change the provisions relating to nomination of  
6 presidential electors and candidates of political bodies by convention; to change the  
7 provisions relating to nomination of candidates of political bodies for public office by  
8 convention, including the manner of qualification, the filing of petitions, restriction on  
9 amendment or supplementation of petitions, examination of petitions, and the holding of  
10 conventions; to provide for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 This Act shall be known and may be cited as the "Voter Choice and Election Access Reform  
14 Act of 2001."

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

16 It is the understanding of the General Assembly that voter participation in Georgia is low  
17 when compared with states which provide open access to the ballot. While recently enacted  
18 laws have made voter registration more accessible, voter participation has continued to  
19 decline. Georgia's existing ballot access utilizing the petition requirement unfairly penalizes  
20 candidates of political bodies and independent candidates who seek access to the ballot. It  
21 is the intent of the General Assembly to increase voter participation and political debate by  
22 making the ballot accessible for political organizations which register as a political body  
23 under state law and for independent candidates nominated by convention.

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

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1 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by  
 2 striking in its entirety paragraph (3) of Code Section 21-2-130, relating to procedures for  
 3 qualification of candidates generally, and inserting in lieu thereof the following:

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

8 **SECTION 4.**

9 Said title is further amended by striking in its entirety subsection (b) of Code Section  
 10 21-2-170, relating to nomination of candidates by petition, and inserting in lieu thereof a new  
 11 subsection (b) to read as follows:

12 "(b) A nomination petition of a candidate seeking an office which is voted upon state wide  
 13 shall be signed by a number of voters equal to ~~to 1~~ to 2 percent of the total number of  
 14 ~~registered voters eligible to vote~~ votes cast in the last election for the filling of the office  
 15 the candidate is seeking or 7,500 signatures, whichever is less, and the signers of such  
 16 petition shall be registered and eligible to vote in the election at which such candidate seeks  
 17 to be elected. A nomination petition of a candidate for any other office shall be signed by  
 18 a number of voters equal to 5 percent of the total number of ~~registered voters eligible to~~  
 19 ~~vote~~ votes cast in the last election for the filling of the office the candidate is seeking or  
 20 3,000 signatures, whichever is less, and the signers of such petition shall be registered and  
 21 eligible to vote in the election at which such candidate seeks to be elected. However, in  
 22 the case of a candidate seeking an office for which there has never been an election or  
 23 seeking an office in a newly constituted constituency, the percentage figure shall be  
 24 computed on the total number of registered voters in the constituency who would have  
 25 been qualified to vote for such office had the election been held at the last general election  
 26 and the signers of such petition shall be registered and eligible to vote in the election at  
 27 which such candidate seeks to be elected."

28 **SECTION 5.**

29 Said title is further amended by striking in its entirety subsection (a) of Code Section  
 30 21-2-172, relating to the nomination of presidential electors and candidates of political  
 31 bodies by convention, and inserting in lieu thereof a new subsection (a) to read as follows:

32 "(a) Any political party desiring to nominate its presidential electors by convention, any  
 33 political body desiring to nominate its candidates qualifying with petitions by convention,  
 34 and any political body desiring to nominate its candidates for ~~state-wide~~ public office by  
 35 convention by virtue of qualifying under Code Section 21-2-180 shall, through its state

1 executive committee, adopt rules and regulations in conformity with this Code section  
 2 governing the holding of such conventions for the nomination of candidates for any state,  
 3 district, or county office. Such rules and regulations shall be filed with the Secretary of  
 4 State, and no amendment to such rules and regulations shall be effective unless filed with  
 5 the Secretary of State at least 30 days prior to the date of such convention. The state party  
 6 or body chairperson of such political party or body and its secretary shall accompany the  
 7 filing of such rules and regulations with their certificate certifying that the rules and  
 8 regulations therein filed are a true and correct copy of the rules and regulations of the party  
 9 pertaining to the nomination of candidates by the convention method."

#### 10 SECTION 6.

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

#### 14 "Part 4

15 21-2-180.

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

18 (1) The political body files with the Secretary of State a petition signed by voters equal  
 19 in number to ~~1~~ 2 percent of the ~~registered voters who were registered and eligible to~~  
 20 ~~vote in the preceding~~ total number of votes cast for the candidates for the Office of  
 21 Governor at the last general election at which a Governor was elected or 7,500,  
 22 whichever is less; or

23 (2) At the preceding general election, the political body nominated a candidate for  
 24 state-wide office and such candidate received a number of votes equal to ~~1~~ 2 percent  
 25 of the total number of ~~registered voters who were registered and eligible to vote~~ votes  
 26 cast for the candidates for the state-wide office in such general election.

27 (b) Once a political body has met the requirements of subsection (a) of this Code section,  
 28 the petition requirements of this part shall no longer be applicable and the right of the  
 29 political body to nominate candidates for public office by convention shall continue for as  
 30 long as the political body receives in any state-wide election a number of votes equal to at  
 31 least 2 percent of the total number of votes cast for the candidates for the Office of  
 32 Governor in a general election at which a Governor is elected. If, at any time, a political  
 33 body fails to receive the required number of votes in a state-wide election as provided in  
 34 this subsection, the petition requirements of this part shall again be applicable to the

1 political body which seeks qualification to nominate candidates for public office by  
2 convention.

3 21-2-181.

4 Petitions to qualify political bodies to nominate candidates for ~~state-wide~~ public office by  
5 convention shall be filed with the Secretary of State and shall be signed by voters in the  
6 manner provided in this part. Such petitions shall provide sufficient space for the printing  
7 of the voter's name and for the voter's signature. No forms other than those prescribed in  
8 this part shall be used for qualifying a political body to nominate candidates for public  
9 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 office by  
23 convention shall be on one or more sheets of uniform size, and different sheets must be  
24 used by signers residing in different counties. The upper portion of each sheet, prior to  
25 being signed by any petitioner, shall bear the name and title of the Secretary of State and  
26 the political body to be formed by the petition. If more than one sheet is used, they shall  
27 be bound together when offered for filing and each sheet shall be numbered consecutively,  
28 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 office  
 7 by convention shall not be amended or supplemented after its presentation to the Secretary  
 8 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 office by  
 14 convention shall be examined and shall be subject to judicial review in the same manner  
 15 as provided for candidates nominated by petition pursuant to Code Section 21-2-171.

16 21-2-187.

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

26 **SECTION 7.**

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