

House Bill 25EX2 (FLOOR SUBSTITUTE) (AM)

By: Representatives Smyre of the 136th, Walker of the 141st and Skipper of the 137th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2 elections and primaries generally, so as to provide for the promulgation of rules and
3 regulations by the Secretary of State; to provide for different qualifying and election dates,
4 write-in candidacy dates, and related procedures for the general primary and general election
5 in the even-numbered year immediately following the official release of the United States
6 decennial census data to the states for the purpose of redistricting of the legislatures and the
7 United States House of Representatives; to authorize certain political bodies to nominate
8 candidates for the United States House of Representatives by convention without additional
9 nominating petitions; to provide for qualifications for such political bodies; to provide for
10 time for holding of political body conventions in the even-numbered year immediately
11 following the official release of the United States decennial census data to the states for the
12 purpose of redistricting of the legislatures and the United States House of Representatives;
13 to provide for qualifying by political party candidates for nomination to federal and state
14 offices under rules and regulations promulgated by the Secretary of State; to provide that in
15 any general primary where an unopposed candidate is seeking party nomination for a public
16 office, where such candidate's name appears on the primary ballot but such candidate fails
17 to receive a single vote, such candidate shall not be nominated for such public office and
18 such party shall not have a candidate for that public office on the ballot in the ensuing
19 general election; to change certain provisions relating to procedures as to unopposed
20 candidates; to provide for poll closing times; to provide definitions; to provide for related
21 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 **SECTION 1.**

24 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
25 primaries generally, is amended by striking paragraph (10) of Code Section 21-2-2, relating
26 to definitions, and inserting in lieu thereof a new paragraph (10) to read as follows:

H. B. 25EX2 (SUB)

1 Said chapter is further amended by striking Code Section 21-2-132, relating to filing notice
 2 of candidacy, nomination petition, and affidavit, in its entirety and inserting in lieu thereof
 3 a new Code Section 21-2-132 to read as follows:

4 "21-2-132.

5 (a) The names of nominees of political parties nominated in a primary and the names of
 6 nominees of political parties for the office of presidential elector shall be placed on the
 7 election ballot without their filing the notice of candidacy otherwise required by this Code
 8 section.

9 (b) Candidates seeking election in a nonpartisan election shall comply with the
 10 requirements of subsections (c) and (f) of this Code section, as modified by subsection (g)
 11 of this Code section, by the date prescribed and shall by the same date pay to the proper
 12 authority the qualifying fee prescribed by Code Section 21-2-131 in order to be eligible to
 13 have their names placed on the nonpartisan election ballots.

14 (c) Except as provided in subsection (i) of this Code section, all ~~All~~ candidates seeking
 15 ~~nomination~~ election in a nonpartisan election shall file their notice of candidacy and pay
 16 the prescribed qualifying fee by the date prescribed in this subsection in order to be eligible
 17 to have their names placed on the nonpartisan election ballot by the Secretary of State or
 18 election superintendent, as the case may be, in the following manner:

19 (1) Each candidate for the office of judge of the superior court, Judge of the Court of
 20 Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his
 21 or her name placed on the nonpartisan election ballot shall file a notice of candidacy,
 22 giving his or her name, residence address, and the office sought, in the office of the
 23 Secretary of State no earlier than 9:00 A.M. on the fourth Monday in April immediately
 24 prior to the election and no later than 12:00 Noon on the Friday following the fourth
 25 Monday in April, notwithstanding the fact that any such days may be legal holidays; and

26 (2) Each candidate for a county judicial office, a local school board office, or an office
 27 of a consolidated government, except those offices which on July 1, 2001, were covered
 28 by local Acts of the General Assembly which provided for election in a nonpartisan
 29 election without a prior nonpartisan primary, or the candidate's agent, desiring to have
 30 his or her name placed on the nonpartisan election ballot shall file notice of candidacy in
 31 the office of the superintendent no earlier than 9:00 A.M. on the fourth Monday in April
 32 immediately prior to the election and no later than 12:00 Noon on the Friday following
 33 the fourth Monday in April, notwithstanding the fact that any such days may be legal
 34 holidays.

35 (d) Except as provided in subsection (i) of this Code section, all political body and
 36 independent ~~All other~~ candidates shall file their notice of candidacy and pay the prescribed
 37 qualifying fee by the date prescribed in this subsection in order to be eligible to have their

1 names placed on the election ballot by the Secretary of State or election superintendent, as
2 the case may be, in the following manner:

3 (1) Each candidate for federal or state office, or his or her agent, desiring to have his or
4 her name placed on the election ballot shall file a notice of his or her candidacy, giving
5 his or her name, residence address, and the office he or she is seeking, in the office of the
6 Secretary of State no earlier than 9:00 A.M. on the fourth Monday in June immediately
7 prior to the election and no later than 12:00 Noon on the Friday following the fourth
8 Monday in June in the case of a general election and no earlier than the date of the call
9 of the election and no later than 25 days prior to the election in the case of a special
10 election;

11 (2) Each candidate for a county office, including those offices which on July 1, 2001,
12 were covered by local Acts of the General Assembly which provided for election in a
13 nonpartisan election without a prior nonpartisan primary, or his or her agent, desiring to
14 have his or her name placed on the election ballot shall file notice of his or her candidacy
15 in the office of the superintendent of his or her county no earlier than 9:00 A.M. on the
16 fourth Monday in June immediately prior to the election and no later than 12:00 Noon on
17 the Friday following the fourth Monday in June in the case of a general election and no
18 earlier than the date of the call of the election and no later than 25 days prior to the
19 election in the case of a special election;

20 (3) Each candidate for municipal office or a designee shall file a notice of candidacy in
21 the office of the municipal superintendent of such candidate's municipality during the
22 municipality's qualifying period. Each municipal superintendent shall designate the days
23 of the qualifying period, which shall be no less than three days and no more than five
24 days. The days of the qualifying period shall be consecutive days. Qualifying periods
25 shall comply with the following:

26 (A) In the case of a general election held in an odd-numbered year, the municipal
27 qualifying period shall commence no earlier than 8:30 A.M. on the second Monday in
28 September immediately preceding the general election and shall end no later than
29 4:30 P.M. on the following Friday;

30 (B) In the case of a general election held in an even-numbered year, the municipal
31 qualifying period shall commence no earlier than 8:30 A.M. on the last Monday in
32 August immediately preceding the general election and shall end no later than
33 4:30 P.M. on the following Friday; and

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

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

7 (e) Except as provided in subsection (i) of this Code section, each ~~Each~~ candidate required
 8 to file a notice of candidacy by this Code section shall, no earlier than 9:00 A.M. on the
 9 fourth Monday in June immediately prior to the election and no later than 12:00 Noon on
 10 the second Tuesday in July immediately prior to the election, file with the same official
 11 with whom he or she filed his or her notice of candidacy a nomination petition in the form
 12 prescribed in Code Section 21-2-170, except that such petition shall not be required if such
 13 candidate is:

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

17 (2) Seeking office in a special election;

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

22 (4) A candidate seeking election in a nonpartisan election; or

23 (5) A nominee for a state-wide office or member of the United States House of
 24 Representatives by a duly constituted political body convention, provided that the
 25 political body making the nomination has qualified to nominate candidates ~~for state-wide~~
 26 ~~public office~~ under the provisions of Code Section 21-2-180.

27 (f) Each candidate required by this Code section to file a notice of candidacy shall
 28 accompany his or her notice of candidacy with an affidavit stating:

29 (1) His or her residence, with street and number, if any, and his or her post office
 30 address;

31 (2) His or her profession, business, or occupation, if any;

32 (3) The name of his or her precinct;

33 (4) That he or she is an elector of the county or municipality of his or her residence
 34 eligible to vote in the election in which he or she is a candidate;

35 (5) The name of the office he or she is seeking;

36 (6) That he or she is eligible to hold such office;

1 (7) That the candidate has never been convicted and sentenced in any court of competent
 2 jurisdiction for fraudulent violation of primary or election laws, malfeasance in office,
 3 or felony involving moral turpitude or conviction of domestic violence under the laws of
 4 this state or any other state or of the United States, or that the candidate's civil rights have
 5 been restored and that at least ten years have elapsed from the date of the completion of
 6 the sentence without a subsequent conviction of another felony involving moral turpitude;
 7 and

8 (8) That he or she will not knowingly violate this chapter or rules and regulations
 9 adopted under this chapter.

10 The affidavit shall contain such other information as may be prescribed by the officer with
 11 whom the candidate files his or her notice of candidacy.

12 (g) A pauper's affidavit may be filed in lieu of paying the qualifying fee otherwise
 13 required by this Code section and Code Sections 21-2-131 and 21-2-138 of any candidate
 14 who has filed a qualifying petition as provided for in subsection (h) of this Code section.
 15 A candidate filing a pauper's affidavit instead of paying a qualifying fee shall under oath
 16 affirm his or her poverty and his or her resulting inability to pay the qualifying fee
 17 otherwise required. The form of the affidavit shall be prescribed by the Secretary of State
 18 and shall include a financial statement which lists the total income, assets, liabilities, and
 19 other relevant financial information of the candidate and shall indicate on its face that the
 20 candidate has neither the assets nor the income to pay the qualifying fee otherwise required.
 21 The affidavit shall contain an oath that such candidate has neither the assets nor the income
 22 to pay the qualifying fee otherwise required. The following warning shall be printed on the
 23 affidavit form prepared by the Secretary of State, to wit: 'WARNING: Any person
 24 knowingly making any false statement on this affidavit commits the offense of false
 25 swearing and shall be guilty of a felony.' The name of any candidate who subscribes and
 26 swears to an oath that such candidate has neither the assets nor the income to pay the
 27 qualifying fee otherwise required shall be placed on the ballot by the Secretary of State or
 28 election superintendent, as the case may be.

29 (h) No candidate shall be authorized to file a pauper's affidavit in lieu of paying the
 30 qualifying fee otherwise required by this Code section and Code Section 21-2-138 unless
 31 such candidate has filed a qualifying petition which complies with the following
 32 requirements:

33 (1) A qualifying petition of a candidate seeking an office which is voted upon state wide
 34 shall be signed by a number of voters equal to one-fourth of 1 percent of the total number
 35 of registered voters eligible to vote in the last election for the filling of the office the
 36 candidate is seeking and the signers of such petition shall be registered and eligible to
 37 vote in the election at which such candidate seeks to be elected. A qualifying petition of

1 a candidate for any other office shall be signed by a number of voters equal to 1 percent
2 of the total number of registered voters eligible to vote in the last election for the filling
3 of the office the candidate is seeking and the signers of such petition shall be registered
4 and eligible to vote in the election at which such candidate seeks to be elected. However,
5 in the case of a candidate seeking an office for which there has never been an election or
6 seeking an office in a newly constituted constituency, the percentage figure shall be
7 computed on the total number of registered voters in the constituency who would have
8 been qualified to vote for such office had the election been held at the last general
9 election and the signers of such petition shall be registered and eligible to vote in the
10 election at which such candidate seeks to be elected;

11 (2) Each person signing a qualifying petition shall declare therein that he or she is a duly
12 qualified and registered elector of the state entitled to vote in the next election for the
13 filling of the office sought by the candidate supported by the petition and shall add to his
14 or her signature his or her residence address, giving municipality, if any, and county, with
15 street and number, if any. No person shall sign the same petition more than once. Each
16 petition shall support the candidacy of only a single candidate. A signature shall be
17 stricken from the petition when the signer so requests prior to the presentation of the
18 petition to the appropriate officer for filing, but such a request shall be disregarded if
19 made after such presentation;

20 (3) A qualifying petition shall be on one or more sheets of uniform size and different
21 sheets must be used by signers resident in different counties. The upper portion of each
22 sheet, prior to being signed by any petitioner, shall bear the name and title of the officer
23 with whom the petition will be filed, the name of the candidate to be supported by the
24 petition, his or her profession, business, or occupation, if any, his or her place of
25 residence with street and number, if any, the name of the office he or she is seeking, his
26 or her political party or body affiliation, if any, and the name and date of the election in
27 which the candidate is seeking election. If more than one sheet is used, they shall be
28 bound together when offered for filing if they are intended to constitute one qualifying
29 petition, and each sheet shall be numbered consecutively, beginning with number one,
30 at the foot of each page. Each sheet shall bear on the bottom or back thereof the affidavit
31 of the circulator of such sheet, which affidavit must be subscribed and sworn to by such
32 circulator before a notary public and shall set forth:

33 (A) His or her residence address, giving municipality with street and number, if any;

34 (B) That each signer manually signed his or her own name with full knowledge of the
35 contents of the qualifying petition;

36 (C) That each signature on such sheet was signed within 180 days of the last day on
37 which such petition may be filed; and

1 (D) That, to the best of the affiant's knowledge and belief, the signers are registered
 2 electors of the state qualified to sign the petition, that their respective residences are
 3 correctly stated in the petition, and that they all reside in the county named in the
 4 affidavit;

5 (4) No qualifying petition shall be circulated prior to 180 days before the last day on
 6 which such petition may be filed, and no signature shall be counted unless it was signed
 7 within 180 days of the last day for filing the same; and

8 (5) A qualifying petition shall not be amended or supplemented after its presentation to
 9 the appropriate officer for filing.

10 No notary public may sign the petition as an elector or serve as a circulator of any petition
 11 which he or she notarized. Any and all sheets of a petition that have the circulator's
 12 affidavit notarized by a notary public who also served as a circulator of one or more sheets
 13 of the petition or who signed one of the sheets of the petition as an elector shall be
 14 disqualified and rejected.

15 (i) Notwithstanding any other provision of this chapter to the contrary, for general
 16 elections held in the even-numbered year immediately following the official release of the
 17 United States decennial census data to the states for the purpose of redistricting of the
 18 legislatures and the United States House of Representatives, candidates in such elections
 19 shall qualify as provided in this subsection:

20 (1) All candidates seeking election in a nonpartisan election shall file their notice of
 21 candidacy and pay the prescribed qualifying fee by the date prescribed in this paragraph
 22 in order to be eligible to have their names placed on the nonpartisan election ballot by the
 23 Secretary of State or election superintendent, as the case may be, in the following
 24 manner:

25 (A) Each candidate for the office of judge of the superior court, Judge of the Court of
 26 Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his
 27 or her name placed on the nonpartisan election ballot shall file a notice of candidacy,
 28 giving his or her name, residence address, and the office sought, in the office of the
 29 Secretary of State no earlier than 9:00 A.M. on the third Wednesday in June
 30 immediately prior to the election and no later than 12:00 Noon on the Friday following
 31 the third Wednesday in June, notwithstanding the fact that any such days may be legal
 32 holidays; and

33 (B) Each candidate for a county judicial office, a local school board office, or an office
 34 of a consolidated government, except those offices which on July 1, 2001, were covered
 35 by local Acts of the General Assembly which provided for election in a nonpartisan
 36 election without a prior nonpartisan primary, or the candidate's agent, desiring to have
 37 his or her name placed on the nonpartisan election ballot shall file notice of candidacy

1 in the office of the superintendent no earlier than 9:00 A.M. on the third Wednesday in
 2 June immediately prior to the election and no later than 12:00 Noon on the Friday
 3 following the third Wednesday in June, notwithstanding the fact that any such days may
 4 be legal holidays;

5 (2) All political body and independent candidates shall file their notice of candidacy and
 6 pay the prescribed qualifying fee by the date prescribed in this paragraph in order to be
 7 eligible to have their names placed on the general election ballot by the Secretary of State
 8 or election superintendent, as the case may be, in the following manner:

9 (A) Each candidate for federal or state office, or his or her agent, desiring to have his
 10 or her name placed on the general election ballot shall file a notice of his or her
 11 candidacy, giving his or her name, residence address, and the office he or she is
 12 seeking, in the office of the Secretary of State no earlier than 9:00 A.M. on the last
 13 Monday in July immediately prior to the election and no later than 12:00 Noon on the
 14 Friday following the last Monday in July; and

15 (B) Each candidate for a county office, including those offices which on July 1, 2001,
 16 were covered by local Acts of the General Assembly which provided for election in a
 17 nonpartisan election without a prior nonpartisan primary, or his or her agent, desiring
 18 to have his or her name placed on the general election ballot shall file notice of his or
 19 her candidacy in the office of the superintendent of his or her county no earlier than
 20 9:00 A.M. on the last Monday in July immediately prior to the election and no later
 21 than 12:00 Noon on the Friday following the last Monday in July;

22 (3) Candidates required to file nomination petitions under subsection (e) of this Code
 23 section shall file such petitions not earlier than 9:00 A.M. on the fourth Monday in July
 24 immediately prior to the general election and not later than 12:00 Noon on the first
 25 Monday in August immediately prior to the general election."

26 SECTION 5.

27 Said chapter is further amended by striking subsection (a) of Code Section 21-2-133, relating
 28 to giving notice of write-in candidacy, and inserting in lieu thereof a new subsection (a) to
 29 read as follows:

30 "(a) No person elected on a write-in vote shall be eligible to hold office unless notice of
 31 his or her intention of candidacy was filed and published no earlier than January 1 and no
 32 later than the Tuesday after the first Monday in September prior to the election for county,
 33 state, and federal elections; ~~and~~ no later than seven days after the close of the municipal
 34 qualifying period for municipal elections in the case of a general election; ~~no~~ earlier than
 35 January 1 and no later than the Tuesday after the first Monday in June in the case of a
 36 nonpartisan election for a state or county office which was not covered by a local Act of

1 the General Assembly on July 1, 2001, which provided for election in a nonpartisan
 2 election without a prior nonpartisan primary; no later than the third Monday in July in the
 3 case of a nonpartisan election for a state or county office which was not covered by a local
 4 Act of the General Assembly on July 1, 2001, which provided for election in a nonpartisan
 5 election without a prior nonpartisan primary held in the even-numbered year immediately
 6 following the official release of the United States decennial census data to the states for the
 7 purpose of redistricting of the legislatures and the United States House of Representatives;
 8 or at least 20 or more days prior to a special election by the person to be a write-in
 9 candidate or by some other person or group of persons qualified to vote in the subject
 10 election, as follows:

11 (1) In a state general or special election, notice shall be filed with the Secretary of State
 12 and published in a paper of general circulation in the state;

13 (2) In a general or special election of county officers, notice shall be filed with the
 14 superintendent of elections in the county in which he or she is to be a candidate and
 15 published in the official organ of the same county; or

16 (3) In a municipal general or special election, notice shall be filed with the
 17 superintendent and published in the official gazette of the municipality holding the
 18 election."

19 **SECTION 6.**

20 Said chapter is further amended by adding at the end of Part 2 of Article 4, relating to
 21 political party and nonpartisan primaries, a new Code Section 21-2-158 to read as follows:

22 "21-2-158.

23 In any general primary where an unopposed candidate is seeking party nomination for a
 24 public office, where such candidate's name appears on the primary ballot but such
 25 candidate fails to receive a single vote, such candidate shall not be nominated for such
 26 public office and such party shall not have a candidate for that public office on the ballot
 27 in the ensuing general election."

28 **SECTION 7.**

29 Said chapter is further amended by striking in its entirety Code Section 21-2-291, relating
 30 to procedure as to unopposed candidates, and inserting in lieu thereof a new Code Section
 31 21-2-291 to read as follows:

32 "21-2-291.

33 Any other provision of law to the contrary notwithstanding, in the event there is no
 34 opposed candidate in a precinct in a special or general election, no special or general
 35 election shall be held in such precinct unless more than one write-in candidate has qualified

1 as provided by law or unless there are issues to be submitted to the electorate. ~~Each~~ Except
 2 as provided in Code Section 21-2-158, each such unopposed candidate shall be deemed to
 3 have voted for himself or herself. Where feasible, the superintendent shall provide notice
 4 reasonably calculated to inform the affected electorate that no special or general election
 5 is to be conducted. The superintendent shall certify such unopposed candidate as elected
 6 in the same manner as he or she certifies other candidates as elected pursuant to Code
 7 Section 21-2-493."

8 SECTION 8.

9 Said chapter is further amended by striking subsection (b) of Code Section 21-2-150, relating
 10 to date of the general primary, and inserting in lieu thereof a new subsection (b) to read as
 11 follows:

12 "(b)(1) Whenever the primary occurs during the same week of the national convention
 13 of either the political party whose candidates received the highest number of votes or the
 14 political party whose candidates received the next highest number of votes in the last
 15 presidential election, the general primary shall be conducted on the second Tuesday in
 16 July of such year. This ~~subsection~~ paragraph shall not apply unless the date of the
 17 convention of the political party is announced by the political party prior to April 1 of the
 18 year in which the general primary is conducted.

19 (2) For general primaries held in the even-numbered year immediately following the
 20 official release of the United States decennial census data to the states for the purpose of
 21 redistricting of the legislatures and the United States House of Representatives, the
 22 general primary shall be conducted on the next-to-last Tuesday in August."

23 SECTION 9.

24 Said chapter is further amended by striking subsections (c) and (f) of Code Section 21-2-153,
 25 relating to qualification of candidates for party nomination in a state or county primary, and
 26 inserting in lieu thereof new subsections (c) and (f) to read as follows:

27 "(c)(1) In the case of a general state or county primary, the candidates or their agents
 28 shall commence qualifying at 9:00 A.M. on the fourth Monday in April immediately prior
 29 to the state or county primary and shall cease qualifying at 12:00 Noon on the Friday
 30 following the fourth Monday in April, notwithstanding the fact that any such days may
 31 be legal holidays; provided, however, that, in the case of a general primary held in the
 32 even-numbered year immediately following the official release of the United States
 33 decennial census data to the states for the purpose of redistricting of the legislatures and
 34 the United States House of Representatives, the candidates or their agents for political
 35 party nomination to county offices shall commence qualifying at 9:00 A.M. on the third

1 Wednesday in June immediately prior to such primary and shall cease qualifying at 12:00
 2 Noon on the Friday following the third Wednesday in June, notwithstanding the fact that
 3 any such days may be legal holidays, and provided, further, that candidates for political
 4 party nomination to federal and state offices in a general primary shall commence
 5 qualifying at 9:00 A.M. on the third Wednesday in June immediately prior to such
 6 primary and shall cease qualifying at 12:00 Noon on the Friday following the third
 7 Wednesday in June, notwithstanding the fact that any such days may be legal holidays,
 8 and shall qualify in person or, in the case of illness or other providential cause as may be
 9 defined and determined by rule or regulation by the Secretary of State, by their agents
 10 with their respective political party in the state capitol under such rules and regulations
 11 as the Secretary of State may promulgate. In the case of a special primary, the candidate
 12 shall qualify no earlier than the date of the call for the special primary and no later than
 13 25 days prior to the date of such primary, and such qualifying period shall be open for a
 14 minimum of two and one-half days.

15 (2) If a political party has not designated at least 14 days prior to the beginning of
 16 qualifying a party official in a county with whom the candidates of such party for county
 17 elective offices shall qualify, the election superintendent of the county shall qualify
 18 candidates on behalf of such party. The election superintendent shall give notice in the
 19 legal organ of the county at least three days before the beginning of qualifying giving the
 20 dates, times, and location for qualifying candidates on behalf of such political party."

21 "(f) Candidates for the office of presidential elector or their agents who have been
 22 nominated in accordance with the rules of a political party shall qualify beginning at
 23 9:00 A.M. on the fourth Monday in April in the year in which a presidential election shall
 24 be held and shall cease qualifying at 12:00 Noon on the Friday following the fourth
 25 Monday in April, notwithstanding the fact that any such days may be legal holidays;
 26 provided, however, that, for presidential elections held in the even-numbered year
 27 immediately following the official release of the United States decennial census data to the
 28 states for the purpose of redistricting of the legislatures and the United States House of
 29 Representatives, candidates for the office of presidential elector who have been nominated
 30 in accordance with the rules of a political party shall commence qualifying beginning at
 31 9:00 A.M. on the third Wednesday in June immediately prior to such election and shall
 32 cease qualifying at 12:00 Noon on the Friday following the third Wednesday in June,
 33 notwithstanding the fact that any such days may be legal holidays, and shall qualify in
 34 person or, in the case of illness or other providential cause as may be defined and
 35 determined by rule or regulation by the Secretary of State, by their agents with their
 36 respective political party in the state capitol under such rules and regulations as the
 37 Secretary of State may promulgate."

SECTION 10.

Said chapter is further amended by striking subsections (a) and (e) of Code Section 21-2-172, relating to nomination of presidential electors and candidates of political bodies by convention, and inserting in lieu thereof new subsections (a) and (e) 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 office or member of the United States House of Representatives 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."

"(e) A convention for the purpose of nominating candidates shall be held at least 150 days prior to the date on which the general election is conducted; provided, however, that, in the case of a general election held in the even-numbered year immediately following the official release of the United States decennial census data to the states for the purpose of redistricting of the legislatures and the United States House of Representatives, the convention shall be held at least 120 days prior to the date on which the general election is conducted."

SECTION 11.

Said chapter is further amended by striking Code Section 21-2-180, relating to manner of qualification, in its entirety and inserting in lieu thereof a new Code Section 21-2-180 to read as follows:

"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 office or member of the United States House of Representatives 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

1 (2) The political body has:

2 (A) In at least two of ~~At the preceding three general election, the political body~~
 3 ~~elections~~ nominated a candidate for state-wide office and such candidate received a
 4 number of votes equal to 1 percent of the total number of registered voters who were
 5 ~~registered and eligible to vote in such general election~~ Governor or United States
 6 senator; and

7 (B) Had its candidate for Governor or United States senator in at least two of the
 8 preceding three general elections receive at least 2 percent of the total votes cast in this
 9 state for the office of Governor or United States senator at such election."

10 SECTION 12.

11 Said chapter is further amended by striking Code Section 21-2-181, relating to filing of
 12 petitions generally, in its entirety and inserting in lieu thereof a new Code Section 21-2-181
 13 to read as follows:

14 "21-2-181.

15 Petitions to qualify political bodies to nominate candidates for state-wide public office or
 16 member of the United States House of Representatives by convention shall be filed with
 17 the Secretary of State and shall be signed by voters in the manner provided in this part.
 18 Such petitions shall provide sufficient space for the printing of the voter's name and for the
 19 voter's signature. No forms other than those prescribed in this part shall be used for
 20 qualifying a political body to nominate candidates for public office."

21 SECTION 13.

22 Said chapter is further amended by striking Code Section 21-2-184, relating to restriction on
 23 amendment or supplementation, in its entirety and inserting in lieu thereof a new
 24 Code Section 21-2-184 to read as follows:

25 "21-2-184.

26 A petition to qualify a political body to nominate candidates for state-wide public office
 27 or member of the United States House of Representatives by convention shall not be
 28 amended or supplemented after its presentation to the Secretary of State for filing."

29 SECTION 14.

30 Said chapter is further amended by striking Code Section 21-2-186, relating to examination
 31 of petitions, in its entirety and inserting in lieu thereof a new Code Section 21-2-186 to read
 32 as follows:

33 "21-2-186.

1 Petitions to qualify a political body to nominate candidates for state-wide public office or
2 member of the United States House of Representatives by convention shall be examined
3 and shall be subject to judicial review in the same manner as provided for candidates
4 nominated by petition pursuant to Code Section 21-2-171."

5 SECTION 15.

6 Said chapter is further amended by striking Code Section 21-2-187, relating to holding of
7 conventions, in its entirety and inserting in lieu thereof a new Code Section 21-2-187 to read
8 as follows:

9 "21-2-187.

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

1 polling place shall be returned to the ballot box for the party for which they were issued.
2 In primaries, separate tally and return sheets shall be prepared for each party, and separate
3 poll officers shall be designated by the chief manager to count and tally each party's ballot.
4 Where the same ballot box is being used by one or more parties, the ballots and stubs shall
5 first be divided by party before being tallied and counted. The ballots shall then be counted
6 one by one and a record made of the total number. Then the chief manager, together with
7 such assistant managers and other poll officers as the chief manager may designate, under
8 the scrutiny of one of the assistant managers and in the presence of the other poll officers,
9 shall read aloud the names of the candidates marked or written upon each ballot, together
10 with the office for which the person named is a candidate, and the answers contained on
11 the ballots to the questions submitted, if any; and the other assistant manager and clerks
12 shall carefully enter each vote as read and keep account of the same in ink on a sufficient
13 number of tally papers, all of which shall be made at the same time. All ballots, after being
14 removed from the box, shall be kept within the unobstructed view of all persons in the
15 voting room until replaced in the box. No person, while handling the ballots, shall have
16 in his or her hand any pencil, pen, stamp, or other means of marking or spoiling any ballot.
17 The poll officers shall immediately proceed to canvass and compute the votes cast and shall
18 not adjourn or postpone the canvass or computation until it shall have been fully
19 completed, except that, in the discretion of the superintendent, the poll officers may stop
20 the counting after all contested races and questions are counted, provided that the results
21 of these contested races and questions are posted for the information of the public outside
22 the polling place and the ballots are returned to the ballot box and deposited with the
23 superintendent until counting is resumed on the following day."

24 **SECTION 19.**

25 This Act shall become effective upon its approval by the Governor or upon its becoming law
26 without such approval.

27 **SECTION 20.**

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