

Senate Bill 533

By: Senator Clay of the 37th

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 **SECTION 1.**

14 This Act shall be known and may be cited as the "Voter Choice and Election Access Reform
15 Act of 2004."

16 **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 **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 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 shall be signed by a number of voters equal to 1 percent of the total number of registered
 21 voters eligible to vote in the last election for the filling of the office the candidate is seeking
 22 and the signers of such petition shall be registered and eligible to vote in the election at
 23 which such candidate seeks to be elected. A nomination petition of a candidate seeking
 24 election to the United States House of Representatives shall be signed by a number of
 25 voters equal to at least 2 percent of the total number of registered voters eligible to vote in
 26 the last election for the filling of the office the candidate is seeking and the signers of such
 27 petition shall be registered and eligible to vote in the election at which such candidate seeks
 28 to be elected. A nomination petition of a candidate for any other office shall be signed by
 29 a number of voters equal to 5 percent of the total number of registered voters eligible to
 30 vote in the last election for the filling of the office the candidate is seeking and the signers
 31 of such petition shall be registered and eligible to vote in the election at which such
 32 candidate seeks to be elected. However, in the case of a candidate seeking an office for
 33 which there has never been an election or seeking an office in a newly constituted
 34 constituency, the percentage figure shall be computed on the total number of registered
 35 voters in the constituency who would have been qualified to vote for such office had the

1 election been held at the last general election and the signers of such petition shall be
2 registered and eligible to vote in the election at which such candidate seeks to be elected."

3 **SECTION 6.**

4 Said title is further amended by striking in its entirety subsection (a) of Code Section
5 21-2-172, relating to the nomination of presidential electors and candidates of political
6 bodies by convention, and inserting in lieu thereof a new subsection (a) to read as follows:

7 "(a) Any political party desiring to nominate its presidential electors by convention, any
8 political body desiring to nominate its candidates qualifying with petitions by convention,
9 and any political body desiring to nominate its candidates for state-wide public and
10 congressional office by convention by virtue of qualifying under Code Section 21-2-180
11 shall, through its state executive committee, adopt rules and regulations in conformity with
12 this Code section governing the holding of such conventions for the nomination of
13 candidates for any state, district, or county office. Such rules and regulations shall be filed
14 with the Secretary of State, and no amendment to such rules and regulations shall be
15 effective unless filed with the Secretary of State at least 30 days prior to the date of such
16 convention. The state party or body chairperson of such political party or body and its
17 secretary shall accompany the filing of such rules and regulations with their certificate
18 certifying that the rules and regulations therein filed are a true and correct copy of the rules
19 and regulations of the party pertaining to the nomination of candidates by the convention
20 method."

21 **SECTION 7.**

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

25 "Part 4

26 21-2-180.

27 Any political body which is duly registered as provided for in Code Section 21-2-110 is
28 qualified to nominate candidates for state-wide public and congressional office by
29 convention if:

30 (1) The political body files with the Secretary of State a petition signed by voters equal
31 in number to 1 percent of the registered voters who were registered and eligible to vote
32 statewide in the preceding general election; or

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

5 21-2-181.

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

12 21-2-182.

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

23 21-2-183.

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

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

33 (1) The residence address of the circulator;

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

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

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

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

7 21-2-184.

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

11 21-2-185.

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

14 21-2-186.

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

19 21-2-187.

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

1 election and no later than 12:00 Noon on the Friday following the last Monday in July as
2 prescribed in Code Section 21-2-132; provided, further, that the political body must file its
3 qualifying petition, when necessary, no later than 12:00 Noon on the first Monday in
4 August following the convention as prescribed in Code Section 21-2-172 in order to qualify
5 its candidates to be listed on the general election ballot."

6 **SECTION 8.**

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