

House Bill 61

By: Representatives Powell of the 29th, Jamieson of the 28th, and Morris of the 155th

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 that, in primaries, electors may select by
3 each individual office in which primary they choose to vote; to provide for related matters;
4 to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
8 primaries generally, is amended by striking Code Section 21-2-284, relating to the form of
9 the official primary ballot, and inserting in lieu thereof a new Code Section 21-2-284 to read
10 as follows:

11 "21-2-284.

12 (a) In each primary ~~separate~~ official ballots shall be prepared for the political ~~party~~ parties
13 holding the ~~primary~~ primaries. At the top of each ballot shall be printed in prominent type
14 the words 'OFFICIAL PRIMARY BALLOT OF _____ PARTY FOR,' followed
15 by the designation of the precinct for which it is prepared and the name and date of the
16 primary.

17 (b) The State Election Board shall by rule and regulation determine the appropriate
18 wording for directions as to how a vote should be cast on each type of voting equipment
19 used in the state and how a new ballot should be issued when a ballot is spoiled.

20 (c) Immediately under the directions, the names of all candidates who have qualified with
21 the ~~party~~ parties in accordance with this chapter and party rules and who have been
22 certified to the superintendent or Secretary of State as having so qualified shall be printed
23 on the ballots, except unopposed candidates in municipal primaries where the municipal
24 charter or ordinance does not prohibit the omission of such candidates' names from the
25 ballot. The names of the candidates shall in all cases be arranged under the title of the
26 office for which they are candidates and be separated by party and printed ~~thereunder~~ in

1 alphabetical order under the name of the party for whose nomination the candidates seek.
 2 The order of the political parties shall be according to the priority prescribed by subsection
 3 (c) of Code Section 21-2-285. The incumbency of a candidate seeking party nomination
 4 for the public office he or she then holds shall be indicated on the ballots. Under the title
 5 of each office shall be placed a direction as to the number of candidates to be voted for.
 6 An elector shall choose by each office the party in whose primary the elector chooses to
 7 vote. An elector may vote for the candidate or candidates for party nomination of only one
 8 party for each office on the ballot.

9 (d) If at any general primary a political party shall submit ~~to its members~~ any matter or
 10 question to be voted upon, the party shall by the deadline for certifying candidates for the
 11 primary election certify the wording of said question to the superintendent, if to be voted
 12 on by one county only, or to the Secretary of State, if to be voted on by more than one
 13 county; and the superintendent or Secretary of State shall have such language printed on
 14 the ballot form. To the left of each question there shall be placed the words 'Yes' and 'No'
 15 together with appropriate squares to the left of each for the convenient insertion of a cross
 16 (X) or check (✓) mark. If at any municipal primary a political party shall submit ~~to its~~
 17 ~~members~~ any matter or question to be voted upon, the ~~party ballots~~ shall also have printed
 18 ~~on the ballots~~ above such matters or questions the necessary language to guide the elector
 19 in the expression of his or her choice as to such matter or question.

20 (e) Each ballot shall have printed thereon the following:

21 'I understand that the offer or acceptance of money or any other object of value to vote
 22 for any particular candidate, list of candidates, issue, or list of issues included in this
 23 election constitutes an act of voter fraud and is a felony under Georgia law.'

24 (f) The ballots shall vary in form only as the names of precincts, offices, candidates, color
 25 of ballot cards, or this chapter may require."

26 SECTION 2.

27 Said chapter is further amended by striking Code Section 21-2-284.1, relating to form of
 28 nonpartisan election ballots, and inserting in lieu thereof a new Code Section 21-2-284.1 to
 29 read as follows:

30 "21-2-284.1.

31 (a) The names of all candidates seeking election in a nonpartisan election conducted in
 32 conjunction with a partisan ~~primary~~ primaries shall be printed on ~~the~~ each partisan primary
 33 ~~ballot of each political party~~; and insofar as practicable such offices to be filled in a
 34 nonpartisan election shall be separated from the names of political party candidates by
 35 being listed last on each ~~political party~~ partisan primary ballot, with the top of that portion
 36 of the ballot relating to the nonpartisan election to have printed in prominent type the words

1 'OFFICIAL NONPARTISAN ELECTION BALLOT.' Directions that explain how to cast
 2 a vote, how to write in a candidate, and how to obtain a new ballot after one is spoiled shall
 3 appear immediately under the caption as specified by rules and regulations of the State
 4 Election Board. Immediately under the directions, the names of the nonpartisan candidates
 5 shall in all cases be arranged under the title of the office for which they are candidates and
 6 be printed thereunder in alphabetical order. No party designation or affiliation shall appear
 7 beside the name of any candidate for nonpartisan office. An appropriate space shall also
 8 be placed on the ballot for the casting of write-in votes for such offices. The incumbency
 9 of a nonpartisan candidate seeking election to the public office he or she then holds shall
 10 be indicated on the ballots by printing the word 'Incumbent' beside his or her name. Under
 11 the title of each office shall be placed a direction as to the number of nonpartisan
 12 candidates to be voted for. ~~The votes cast for each nonpartisan candidate listed on all~~
 13 ~~political party ballots shall be combined to determine the total number of votes received~~
 14 ~~by each candidate in the nonpartisan election.~~ In the event that a candidate in such
 15 nonpartisan election does not receive a plurality of the total votes cast for such office, there
 16 shall be a nonpartisan election runoff between the candidates receiving the two highest
 17 numbers of votes for such office; and the names of such candidates shall be placed on each
 18 ~~political party~~ partisan primary ballot at the general primary runoff in the same nonpartisan
 19 portion as prescribed in this Code section. If no ~~political party~~ partisan primary runoff is
 20 required, the form of the ballot for the nonpartisan election runoff shall be prescribed by
 21 the Secretary of State or election superintendent in essentially the same format prescribed
 22 for nonpartisan elections. The candidate receiving the highest number of votes cast in the
 23 nonpartisan election runoff shall be declared duly elected to such office.

24 (b) In the case of nonpartisan municipal primaries, the form of the official nonpartisan
 25 primary ballot shall conform insofar as practicable to the form of the official primary ballot
 26 as detailed in Code Section 21-2-284, except that:

27 (1) The following shall be printed at the top of each ballot in prominent type:

28 'OFFICIAL NONPARTISAN PRIMARY BALLOT OF

29 _____
 30 (Name of Municipality)';

31 (2) There shall be no name or designation of any political organization nor any words,
 32 designation, or emblems descriptive of a candidate's political affiliation printed under or
 33 after any candidate's name which is printed on the ballot; and

34 (3) The incumbency of a candidate seeking election for the public office he or she then
 35 holds shall be indicated on the ballot."

1 number of tally papers, all of which shall be made at the same time. All ballots, after being
2 removed from the box, shall be kept within the unobstructed view of all persons in the
3 voting room until replaced in the box. No person, while handling the ballots, shall have
4 in his or her hand any pencil, pen, stamp, or other means of marking or spoiling any ballot.
5 The poll officers shall immediately proceed to canvass and compute the votes cast and shall
6 not adjourn or postpone the canvass or computation until it shall have been fully
7 completed, except that, in the discretion of the superintendent, the poll officers may stop
8 the counting after all contested races and questions are counted, provided that the results
9 of these contested races and questions are posted for the information of the public outside
10 the polling place and the ballots are returned to the ballot box and deposited with the
11 superintendent until counting is resumed on the following day."

12 **SECTION 7.**

13 Said chapter is further amended by striking subsection (b) of Code Section 21-2-452, relating
14 to voting procedure generally, and inserting in lieu thereof a new subsection (b) to read as
15 follows:

16 "~~(b) At primaries, before an elector is admitted to the voting machine, it shall be adjusted~~
17 ~~by the poll officer in charge thereof so that such elector will only be able to vote for the~~
18 ~~candidates of the party in whose primary he or she is then participating~~ Reserved."

19 **SECTION 8.**

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