

House Bill 89

By: Representative Coleman of the 144th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 21-2-134 of the Official Code of Georgia Annotated, relating to the
2 withdrawal, death, or disqualification of candidates, so as to provide that, when a candidate
3 withdraws, the election superintendent shall cause the name of such withdrawn candidate to
4 be removed from the ballot if possible; to provide that no candidate may withdraw within ten
5 days of a primary or election; to provide that certain notices shall be given to voters
6 concerning such withdrawals; to provide for related matters; to repeal conflicting laws; and
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 21-2-134 of the Official Code of Georgia Annotated, relating to the
11 withdrawal, death, or disqualification of candidates, is amended by striking subsection (a)
12 and inserting in lieu thereof a new subsection (a) to read as follows:

13 "(a)(1) A candidate nominated at any primary election or nominated by means other than
14 a primary may withdraw as a candidate at the ensuing general election by filing a
15 notarized affidavit of withdrawal with the Secretary of State, if nominated for a state
16 office; the county superintendent, if nominated for a county office; or the municipal
17 superintendent, if nominated for a municipal office; provided, however, that no candidate
18 shall be permitted to withdraw during the period beginning ten days prior to a general
19 election. The qualifying fee shall not be returned to the candidate. If the ballots have
20 been printed, the Secretary of State or the county or municipal superintendent may shall
21 reprint the ballots to omit the name of the withdrawn candidate: if sufficient time exists
22 to do so. The county or municipal superintendent, as appropriate, shall also cause any
23 direct recording electronic voting equipment being used in such election to be
24 reprogrammed to omit such candidate's name from the ballot. All votes cast for the
25 withdrawn candidate shall be void and shall not be counted. ~~Prominent~~ If it is not
26 possible to remove such candidate's name from the ballot, prominent notices shall be

1 posted in all polling places in which the name of the withdrawn candidate appears on the
 2 ballot stating that the candidate has withdrawn and that all votes cast for such withdrawn
 3 candidate shall be void and shall not be counted and each voter shall be given a copy of
 4 such notice in writing prior to voting. No vacancy on the ballot for a general election or
 5 for a nonpartisan election shall be filled except by reason of the withdrawal, death, or
 6 disqualification of a candidate.

7 (2) A candidate in a general or special primary may withdraw as a candidate after
 8 qualifying but prior to the date of the general or special primary by filing a notarized
 9 affidavit of withdrawal with the Secretary of State, if qualifying for a state office; the
 10 county election superintendent, if qualifying for a county office; or the municipal
 11 superintendent, if qualifying for a municipal office; provided, however, that no candidate
 12 shall be permitted to withdraw during the period beginning ten days prior to a general or
 13 special primary. A candidate of a political body or an independent candidate in a general
 14 or special election may withdraw as a candidate after qualifying but prior to the date of
 15 the general or special election by filing a notarized affidavit of withdrawal with the
 16 Secretary of State, if qualifying for a state office; the county election superintendent, if
 17 qualifying for a county office; or the municipal superintendent, if qualifying for a
 18 municipal office; provided, however, that no candidate shall be permitted to withdraw
 19 during the period beginning ten days prior to a general or special election. The qualifying
 20 fee shall not be returned to the candidate. If the ballots have been printed, the Secretary
 21 of State, the county election superintendent, or the municipal superintendent ~~may~~ shall
 22 reprint the ballots to omit the name of the withdrawn candidate if sufficient time exists
 23 to do so. The county or municipal superintendent, as appropriate, shall also cause any
 24 direct recording electronic voting equipment being used in such primary or election to be
 25 reprogrammed to omit such candidate's name from the ballot. All votes cast for the
 26 withdrawn candidate shall be void and shall not be counted. ~~Prominent~~ If it is not
 27 possible to remove such candidate's name from the ballot, prominent notices shall be
 28 posted in all polling places in which the name of the withdrawn candidate appears on the
 29 ballot stating that the candidate has withdrawn and that all votes cast for such withdrawn
 30 candidate shall be void and shall not be counted and each voter shall be given a copy of
 31 such notice in writing prior to voting."

32 SECTION 2.

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