

The House Committee on Governmental Affairs offers the following substitute to HB 487:

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 the candidate who receives the most
3 votes in a primary, special primary, election, or special election, other than a municipal
4 primary, municipal special primary, municipal election, or municipal special election shall
5 be nominated or elected, provided that the votes for such candidate exceed 45 percent of the
6 total votes cast in that contest in the primary, special primary, election, or special election;
7 to provide a definition; to change the date of the presidential preference primary in Georgia;
8 to change the date by which the parties must submit names to the Secretary of State for
9 inclusion on the ballot and the date on which the Secretary of State shall publish such list of
10 names; 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 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
14 primaries generally, is amended by revising paragraph (22) of Code Section 21-2-2, relating
15 to definitions, as follows:

16 (22) ~~Reserved~~ 'Plurality' means:

17 (A) With regard to a primary, special primary, election, or special election other than
18 a municipal primary, municipal special primary, municipal election, or municipal
19 special election, the receiving by one candidate alone of the highest number of votes
20 cast for eligible candidates in a primary, special primary, election, or special election
21 among the candidates in such primary, special primary, election, or special election for
22 the office such candidate is seeking, provided that such number of votes exceeds 45
23 percent of the total number of votes cast for eligible candidates in such primary, special
24 primary, election, or special election for such office; or

25 (B) With regard to a municipal primary, municipal special primary, municipal election,
26 or municipal special election, the receiving by one candidate alone of the highest

1 number of votes cast for eligible candidates in a primary, special primary, election, or
 2 special election among the candidates in such primary, special primary, election, or
 3 special election for the office the candidate is seeking.

4 In the case where two or more candidates for an office in a primary, special primary,
 5 election, or special election tie in receiving the highest number of votes or no candidate
 6 for an office other than a municipal office receives more than 45 percent of the total
 7 number of votes cast in a primary, special primary, election, or special election for such
 8 office, there is no plurality."

9 SECTION 2.

10 Said chapter is further amended by revising Code Section 21-2-191, relating to parties
 11 entitled to hold primaries and the dates for such primaries, as follows:

12 "21-2-191.

13 As provided in this article, a presidential preference primary shall be held in ~~1992~~ 2008 and
 14 every four years thereafter for each political party or body which has cast for its candidates
 15 for President and Vice President in the last presidential election more than 20 percent of
 16 the total vote cast for President and Vice President in the state, so that the electors may
 17 express their preference for one person to be the candidate for nomination by such person's
 18 party or body for the office of President of the United States; provided, however, that no
 19 elector shall vote in the primary of more than one political party or body in the same
 20 presidential preference primary. Such primary shall be held on ~~March 3, 1992~~ February 5,
 21 2008, and on the first Tuesday in ~~March~~ February every four years thereafter. A state
 22 political party or body may by rule choose to elect any portion of its delegates to that
 23 party's or body's presidential nominating convention in the primary; and, if a state political
 24 party or body chooses to elect any portion of its delegates, such state political party or body
 25 shall establish the qualifying period for those candidates for delegate and delegate alternate
 26 positions which are to be elected in the primary and for any party officials to be elected in
 27 the primary and shall also establish the date on which state and county party executive
 28 committees shall certify to the Secretary of State or the superintendent, as the case may be,
 29 the names of any such candidates who are to be elected in the primary; provided, however,
 30 that such dates shall not be later than ~~December 31~~ in November 1 of the year preceding
 31 the year in which the presidential preference primary is to be held."

32 SECTION 3.

33 Said chapter is further amended by revising Code Section 21-2-193, relating to list of names
 34 of candidates to appear on ballot, as follows:

1 "21-2-193.
 2 Not later than ~~December 31~~ in November 1 of the year preceding the year in which a
 3 presidential preference primary is to be held, the state executive committee of each party
 4 which is to conduct a presidential preference primary shall submit to the Secretary of State
 5 a list of the names of the candidates of such party to appear on the presidential preference
 6 primary ballot. Such lists shall be published by the Secretary of State in a newspaper of
 7 general circulation in the state during the first week of ~~January~~ December in the year
 8 immediately preceding the year in which the presidential preference primary is to be held."

9 **SECTION 4.**

10 Said chapter is further amended by revising Code Section 21-2-501, relating to number of
 11 votes required for election, as follows:

12 "21-2-501.

13 (a) Except as otherwise provided in this Code section, no candidate shall be nominated for
 14 public office in any primary or special primary or elected to public office in any election
 15 or special election unless such candidate shall have received a ~~majority~~ plurality of the
 16 votes cast to fill such nomination or public office. In instances where no candidate receives
 17 a ~~majority~~ plurality of the votes cast, a run-off primary, special primary runoff, run-off
 18 election, or special election runoff between the candidates receiving the two highest
 19 numbers of votes shall be held. Unless such date is postponed by a court order, such
 20 run-off primary or special primary runoff shall be held on the twenty-first day after the day
 21 of holding the preceding primary or special primary, provided that, unless postponed by
 22 court order, a runoff in the case of an election or special election shall be held on the
 23 twenty-eighth day after the day of holding the preceding election or special election. If any
 24 candidate eligible to be in a runoff withdraws, dies, or is found to be ineligible, the
 25 remaining candidates receiving the two highest numbers of votes shall be the candidates
 26 in the runoff. The candidate receiving the highest number of the votes cast in such run-off
 27 primary, special primary runoff, run-off election, or special election runoff to fill the
 28 nomination or public office sought shall be declared the winner. The name of a write-in
 29 candidate eligible for election in a runoff shall be printed on the election or special election
 30 run-off ballot in the independent column. The run-off primary, special primary runoff,
 31 run-off election, or special election runoff shall be a continuation of the primary, special
 32 primary, election, or special election for the particular office concerned. Only the electors
 33 who were duly registered to vote and not subsequently deemed disqualified to vote in the
 34 primary, special primary, election, or special election for candidates for that particular
 35 office shall be entitled to vote therein, and only those votes cast for the persons designated
 36 as candidates in such run-off primary, special primary runoff, run-off election, or special

1 election runoff shall be counted in the tabulation and canvass of the votes cast. No elector
2 shall vote in a run-off primary or special primary runoff in violation of Code Section
3 21-2-224.

4 ~~(b) For the purposes of this subsection, the word 'plurality' shall mean the receiving by one~~
5 ~~candidate alone of the highest number of votes cast.~~ If the municipal charter or ordinances
6 of a municipality as now existing or as amended subsequent to September 1, 1968, provide
7 that a candidate may be nominated or elected by a plurality of the votes cast to fill such
8 nomination or public office, such provision shall prevail. Otherwise, no municipal
9 candidate shall be nominated for public office in any primary or elected to public office in
10 any election unless such candidate shall have received a majority of the votes cast to fill
11 such nomination or public office.

12 (c) In instances in which no municipal candidate receives a majority of the votes cast and
13 the municipal charter or ordinances do not provide for nomination or election by a plurality
14 vote, a run-off primary or election shall be held between the candidates receiving the two
15 highest numbers of votes. Such runoff shall be held on the twenty-eighth day after the day
16 of holding the first primary or election, unless such run-off date is postponed by court
17 order. Only the electors entitled to vote in the first primary or election shall be entitled to
18 vote in any run-off primary or election resulting therefrom; provided, however, that no
19 elector shall vote in a run-off primary in violation of Code Section 21-2-216. The run-off
20 primary or election shall be a continuation of the first primary or election, and only those
21 votes cast for the candidates receiving the two highest numbers of votes in the first primary
22 or election shall be counted. No write-in votes may be cast in such a primary, run-off
23 primary, or run-off election. If any candidate eligible to be in a runoff withdraws, dies, or
24 is found to be ineligible, the remaining candidates receiving the two highest numbers of
25 votes shall be the candidates in such runoff. The municipal candidate receiving the highest
26 number of the votes cast in such run-off primary or run-off election to fill the nomination
27 or public office sought shall be declared the winner.

28 (d) The name of a municipal write-in candidate eligible for election in a municipal runoff
29 shall be printed on the municipal run-off election ballot in the independent column.

30 (e) In all cities having a population in excess of 100,000 according to the United States
31 decennial census of 1980 or any future such census, in order for a municipal candidate to
32 be nominated for public office in any primary or elected to public office in any municipal
33 election, he or she must receive a majority of the votes cast.

34 ~~(f) Except for presidential electors, to be elected to public office in a general election, a~~
35 ~~candidate must receive a majority of the votes cast in an election to fill such public office.~~
36 To be elected to the office of presidential electors, ~~no slate of candidates shall be required~~

1 ~~to receive a majority of the votes cast, but~~ that slate of candidates shall be elected to such
2 office which receives the highest number of votes cast."

3 **SECTION 5.**

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