

SENATE SUBSTITUTE TO HB 487

AS PASSED SENATE

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 change the date of the presidential preference
3 primary in Georgia; to change the date by which the parties must submit names to the
4 Secretary of State for inclusion on the ballot and the date on which the Secretary of State
5 shall publish such list of names; to provide that special elections to submit questions to the
6 voters shall be held on certain dates; to provide for related matters; to provide for effective
7 dates; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

9 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
10 primaries generally, is 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

13 "21-2-191.

14 As provided in this article, a presidential preference primary shall be held in ~~1992~~ 2008 and
15 every four years thereafter for each political party or body which has cast for its candidates
16 for President and Vice President in the last presidential election more than 20 percent of
17 the total vote cast for President and Vice President in the state, so that the electors may
18 express their preference for one person to be the candidate for nomination by such person's
19 party or body for the office of President of the United States; provided, however, that no
20 elector shall vote in the primary of more than one political party or body in the same
21 presidential preference primary. Such primary shall be held on ~~March 3, 1992~~ February 5,
22 2008, and on the first Tuesday in ~~March~~ February every four years thereafter. A state
23 political party or body may by rule choose to elect any portion of its delegates to that
24 party's or body's presidential nominating convention in the primary; and, if a state political
25 party or body chooses to elect any portion of its delegates, such state political party or body
26 shall establish the qualifying period for those candidates for delegate and delegate alternate

1 positions which are to be elected in the primary and for any party officials to be elected in
 2 the primary and shall also establish the date on which state and county party executive
 3 committees shall certify to the Secretary of State or the superintendent, as the case may be,
 4 the names of any such candidates who are to be elected in the primary; provided, however,
 5 that such dates shall not be later than ~~December 31~~ in November 1 of the year preceding
 6 the year in which the presidential preference primary is to be held."

7 SECTION 2.

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

10 "21-2-193.

11 Not later than ~~December 31~~ in November 1 of the year preceding the year in which a
 12 presidential preference primary is to be held, the state executive committee of each party
 13 which is to conduct a presidential preference primary shall submit to the Secretary of State
 14 a list of the names of the candidates of such party to appear on the presidential preference
 15 primary ballot. Such lists shall be published by the Secretary of State in a newspaper of
 16 general circulation in the state during or before the first week of ~~January~~ December in the
 17 year immediately preceding the year in which the presidential preference primary is to be
 18 held."

19 SECTION 3.

20 Said chapter is further amended by revising subsection (c) of Code Section 21-2-540,
 21 relating to conduct of special elections generally, as follows:

22 "(c)(1) Notwithstanding any other provision of law to the contrary, ~~a special election to~~
 23 ~~present a question to the voters or~~ a special primary or special election to fill a vacancy
 24 in a county or municipal office shall be held only on one of the following dates which is
 25 at least 29 days after the date of the call for the special election:

26 (A) In odd-numbered years, any such special election shall only be held on:

- 27 (i) The third Tuesday in March;
- 28 (ii) The third Tuesday in June;
- 29 (iii) The third Tuesday in September; or
- 30 (iv) The Tuesday after the first Monday in November; and

31 (B) In even-numbered years, any such special election shall only be held on:

- 32 (i) The third Tuesday in March; provided, however, that in the event that a special
 33 election is to be held under this provision in a year in which a presidential preference
 34 primary is to be held, then any such special election shall be held on the date of and
 35 in conjunction with the presidential preference primary;

- 1 (ii) The date of the general primary;
- 2 (iii) The third Tuesday in September; or
- 3 (iv) The Tuesday after the first Monday in November.

4 (2) Notwithstanding any other provision of law to the contrary, a special election to
 5 present a question to the voters shall be held only on one of the following dates which is
 6 at least 29 days after the date of the call for the special election:

7 (A) In odd-numbered years, any such special election shall only be held on:

- 8 (i) The third Tuesday in March; or
- 9 (ii) The Tuesday after the first Monday in November; and

10 (B) In even-numbered years, any such special election shall only be held on:

- 11 (i) The date of and in conjunction with the presidential preference primary if one is
 12 held that year;
- 13 (ii) The date of the general primary; or
- 14 (iii) The Tuesday after the first Monday in November.

15 ~~(2)~~(3) The provisions of this subsection shall not apply to:

16 (A) Special elections held pursuant to Chapter 4 of this title, the 'Recall Act of 1989,'
 17 to recall a public officer or to fill a vacancy in a public office caused by a recall
 18 election; and

19 (B) Special primaries or special elections to fill vacancies in federal or state public
 20 offices."

21 **SECTION 4.**

22 Section 3 of this Act shall become effective on January 1, 2009. The remaining parts of this
 23 Act shall become effective on July 1, 2007.

24 **SECTION 5.**

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