

House Bill 1032

By: Representatives Oliver of the 83<sup>rd</sup>, Floyd of the 99<sup>th</sup>, Benfield of the 85<sup>th</sup>, and Gardner of the 57<sup>th</sup>

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 primaries and elections generally, so as to provide for rotation of the names of candidates in  
3 primaries and elections; to provide for procedures; to provide for related matters; to provide  
4 an effective date; 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 primaries and  
8 elections generally, is amended by adding a new Code section to read as follows:

9 "21-2-280.1.

10 (a) Except as otherwise provided in this chapter, the names of all candidates for an elective  
11 office shall be arranged in a group under the title of that office.

12 (b) For paper ballots, voting machine ballot labels, and optical scan ballots, prior to each  
13 primary or election, the order in which the names of the candidates for each office are listed  
14 shall be determined by lot. In the case of a state or federal office, the lot shall be drawn by  
15 the Secretary of State; in the case of a county office, the lot shall be drawn by the county  
16 election superintendent; and, in the case of a municipal office, the lot shall be drawn by the  
17 municipal election superintendent. Such drawing of lots shall be done as soon as is  
18 practicable after the close of qualifying for the primary or election.

19 (c) For direct recording electronic voting equipment, the candidates shall initially be listed  
20 in the same order as provided for paper ballots, voting machine ballot labels, and optical  
21 scan ballots as provided in subsection (b) of this Code section. The direct recording  
22 electronic voting equipment shall then rotate the order in which the names of the candidates  
23 are listed in the group of candidates for such office, such that, insofar as is feasible, each  
24 candidate appears in each position in the list a substantially equal number of times."

25 **SECTION 2.**

26 Said chapter is further amended by revising subsection (c) of Code Section 21-2-284, relating  
 27 to form of official primary ballot, as follows:

28 "(c) Immediately under the directions, the names of all candidates who have qualified with  
 29 the party in accordance with this chapter and party rules and who have been certified to the  
 30 superintendent or Secretary of State as having so qualified shall be printed on the ballots,  
 31 except unopposed candidates in municipal primaries where the municipal charter or  
 32 ordinance does not prohibit the omission of such candidates' names from the ballot. The  
 33 names of the candidates shall in all cases be arranged under the title of the office for which  
 34 they are candidates and be printed thereunder in ~~alphabetical~~ the order specified in Code  
 35 Section 21-2-280.1. The incumbency of a candidate seeking party nomination for the  
 36 public office he or she then holds shall be indicated on the ballots. Under the title of each  
 37 office shall be placed a direction as to the number of candidates to be voted for."

38 **SECTION 3.**

39 Said chapter is further amended by revising subsection (c) of Code Section 21-2-285, relating  
 40 to form of official election ballot, as follows:

41 "(c) Immediately under the directions, the names of all candidates who have been  
 42 nominated in accordance with the requirements of this chapter shall be printed on the ballot  
 43 and the names of the candidates shall in all cases be arranged under the titles of the  
 44 respective offices they are seeking. In a primary or special election, said names shall be  
 45 arranged ~~alphabetically by last name~~ in the order specified in Code Section 21-2-280.1  
 46 under the title of the office. The incumbency of a candidate seeking election for the public  
 47 office he or she then holds shall be indicated on the ballot. In a general election, the names  
 48 of candidates who are nominees of a political party shall be placed under the name of their  
 49 party. The columns of political parties shall be printed on the ballot, beginning on the left  
 50 side thereof, and shall be arranged from left to right in the descending order of the totals  
 51 of votes cast for candidates of the political parties for Governor at the last gubernatorial  
 52 election. The columns of parties having no candidate for Governor on the ballot at the last  
 53 gubernatorial election shall be arranged alphabetically according to the party name to the  
 54 right of the columns of the parties so represented. The columns of political bodies shall be  
 55 arranged alphabetically according to the body name to the right of the party columns. The  
 56 names of all independent candidates shall be printed on the ballot in a column or columns  
 57 under the heading 'Independent,' which shall be placed to the right of the political body  
 58 columns. In the case of two or more independent candidates seeking the same office, their  
 59 names shall be arranged under the title of the office in ~~alphabetical~~ the order specified in  
 60 Code Section 21-2-280.1. The names of candidates seeking the same office shall be

61 printed horizontally opposite one another in their respective columns, and such columns  
 62 shall be of sufficient length to permit such an arrangement. To the right of the independent  
 63 column or columns shall be printed a blank column sufficient for the insertion of write-in  
 64 votes."

65 **SECTION 4.**

66 Said chapter is further amended by revising Code Section 21-2-285.1, relating to the form  
 67 of the nonpartisan ballot, as follows:

68 "21-2-285.1.

69 The names of all candidates for offices which the General Assembly has by local Act  
 70 provided for election in a nonpartisan election shall be printed on each official election  
 71 ballot; and insofar as practicable such offices to be filled in the nonpartisan election shall  
 72 be separated from the names of candidates for other offices by being listed last on each  
 73 ballot, with the top of that portion of each official election ballot relating to the nonpartisan  
 74 election to have printed in prominent type the words 'OFFICIAL NONPARTISAN  
 75 ELECTION BALLOT.' Directions that explain how to cast a vote, how to write in a  
 76 candidate, and how to obtain a new ballot after the elector spoils his or her ballot shall  
 77 appear immediately under the caption, as specified by rule or regulation of the State  
 78 Election Board. Immediately under the directions, the name of each such nonpartisan  
 79 candidate shall be arranged ~~alphabetically by last name~~ in the order specified in Code  
 80 Section 21-2-280.1 under the title of the office for which they are candidates and be printed  
 81 thereunder. The incumbency of a candidate seeking election for the public office he or she  
 82 then holds shall be indicated on the ballot. No party designation or affiliation shall appear  
 83 beside the name of any candidate for nonpartisan office. An appropriate space shall also  
 84 be placed on the ballot for the casting of write-in votes for such offices. In the event that  
 85 no candidate in such nonpartisan election receives a majority of the total votes cast for such  
 86 office, there shall be a nonpartisan election runoff between the candidates receiving the two  
 87 highest numbers of votes; and the names of such candidates shall be placed on the official  
 88 ballot at the general election runoff in the same manner as prescribed in this Code section  
 89 for the nonpartisan election. In the event that only nonpartisan candidates are to be placed  
 90 on a run-off ballot, the form of the ballot shall be as prescribed by the Secretary of State  
 91 or election superintendent in essentially the same format as prescribed for the nonpartisan  
 92 election. The candidate having a majority of the votes cast in the nonpartisan election or  
 93 the candidate receiving the highest number of votes cast in the nonpartisan election runoff  
 94 shall be declared duly elected to such office."

95 **SECTION 5.**

96 This Act shall become effective upon its approval by the Governor or upon its becoming law  
97 without such approval.

98 **SECTION 6.**

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