

House Bill 438

By: Representatives Kidd of the 141st and Powell of the 29th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections generally, so as to provide that independent candidates shall have an additional qualifying period; to change the time for filing of nomination petitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections generally, is amended by revising subsection (e) of Code Section 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit, and adding a new subsection to read as follows:

“(e) Except as provided in subsection (i) of this Code section, each candidate required to file a notice of candidacy by this Code section shall, no earlier than 9:00 A.M. on the fourth Monday in ~~June~~ April immediately prior to the election and no later than 12:00 Noon on the second Tuesday in July immediately prior to the election, file with the same official with whom he or she filed his or her notice of candidacy a nomination petition in the form prescribed in Code Section 21-2-170, except that such petition shall not be required if such candidate is:

(1) A nominee of a political party for the office of presidential elector when such party has held a national convention and therein nominated candidates for President and Vice President of the United States;

(2) Seeking office in a special election;

(3) An incumbent qualifying as a candidate to succeed such incumbent if, prior to the election in which such incumbent was originally elected to the office for which such incumbent seeks reelection, such incumbent filed a notice of candidacy and a nomination petition as required by this chapter;

(4) A candidate seeking election in a nonpartisan election; or

(5) A nominee for a state-wide office by a duly constituted political body convention, provided that the political body making the nomination has qualified to nominate candidates for state-wide public office under the provisions of Code Section 21-2-180."

"(k) In addition to the qualifying times provided for in subsections (d) and (i) of this Code section, independent candidates for federal, state, and county officers may also qualify at the following times:

(1) For general elections other than the general election held in the even-numbered year immediately following the official release of the United States decennial census data to the states for the purpose of redistricting of the legislatures and the United States House of Representatives, each candidate:

(A) For federal or state office, or his or her agent, desiring to have his or her name placed on the election ballot shall file a notice of his or her candidacy, giving his or her name, residence address, and the office he or she is seeking, in the office of the Secretary of State no earlier than 9:00 A.M. on the fourth Monday in April immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in April; or

(B) For a county office, or his or her agent, desiring to have his or her name placed on the election ballot shall file notice of his or her candidacy in the office of the superintendent of his or her county no earlier than 9:00 A.M. on the fourth Monday in April immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in April; or

(2) For the general election held in the even-numbered year immediately following the official release of the United States decennial census data to the states for the purpose of redistricting of the legislatures and the United States House of Representatives, each candidate:

(A) For federal or state office, or his or her agent, desiring to have his or her name placed on the election ballot shall file a notice of his or her candidacy, giving his or her name, residence address, and the office he or she is seeking, in the office of the Secretary of State no earlier than 9:00 A.M. on the third Wednesday in June immediately prior to the election and no later than 12:00 Noon on the Friday following the third Wednesday in June; or

(B) For a county office, or his or her agent, desiring to have his or her name placed on the election ballot shall file notice of his or her candidacy in the office of the superintendent of his or her county no earlier than 9:00 A.M. on the third Wednesday in June immediately prior to the election and no later than 12:00 Noon on the Friday following the third Wednesday in June."

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SECTION 2.

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