

House Bill 494

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

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 remove the requirement that political body and
3 independent candidates file nomination petitions in order to gain ballot access; to provide for
4 related matters; 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 revising subsection (a) of Code Section 21-2-50, relating
9 to the duties of the Secretary of State, as follows:

10 "(a) The Secretary of State shall exercise all the powers granted to the Secretary of State
11 by this chapter and shall perform all the duties imposed by this chapter, which shall include
12 the following:

13 (1) To determine the forms of ~~nomination petitions~~, ballots; and other forms the
14 Secretary of State is required to determine under this chapter;

15 (2) To receive registration statements from political parties and bodies and to determine
16 their sufficiency prior to filing, in accordance with this chapter, and to settle any disputes
17 concerning such statements;

18 (3) ~~To receive and determine the sufficiency of nomination petitions of candidates filing~~
19 ~~notice of their candidacy with the Secretary of State in accordance with this chapter~~
20 Reserved;

21 (4) To certify to the proper superintendent official lists of all the political party
22 candidates who have been certified to the Secretary of State as qualified candidates for
23 the succeeding primary and to certify to the proper superintendent official lists of all the
24 candidates who have filed their notices of candidacy with the Secretary of State, both
25 such certifications to be in substantially the form of the ballots to be used in the primary
26 or election. The Secretary of State shall add to such form the language to be used in

27 submitting any proposed constitutional amendment or other question to be voted upon at
28 such election;

29 (5) To furnish to the proper superintendent all blank forms, including tally and return
30 sheets, numbered lists of voters, cards of instructions, notices of penalties, instructions
31 for marking ballots, tally sheets, precinct returns, recap sheets, consolidated returns, oaths
32 of managers and clerks, oaths of assisted electors, voters certificates and binders,
33 applications for absentee ballots, envelopes and instruction sheets for absentee ballots,
34 and such other supplies as the Secretary of State shall deem necessary and advisable from
35 time to time, for use in all elections and primaries. Such forms shall have printed thereon
36 appropriate instructions for their use;

37 (6) To receive from the superintendent the returns of primaries and elections and to
38 canvass and compute the votes cast for candidates and upon questions, as required by this
39 chapter;

40 (7) To furnish upon request a certified copy of any document in the Secretary of State's
41 custody by virtue of this chapter and to fix and charge a fee to cover the cost of furnishing
42 same;

43 (8) To perform such other duties as may be prescribed by law;

44 (9) To determine and approve the form of ballots for use in special elections;

45 (10) To prepare and provide a notice to all candidates for federal or state office advising
46 such candidates of such information, to include requirements of this chapter, as may, in
47 the discretion of the Secretary of State, be conducive to the fair, legal, and orderly
48 conduct of primaries and elections. A copy of such notice shall be provided to each
49 superintendent for further distribution to candidates for county and militia district offices;

50 (11) To conduct training sessions at such places as the Secretary of State deems
51 appropriate in each year; for the training of registrars and superintendents of elections;

52 (12) To prepare and publish, in the manner provided in this chapter, all notices and
53 advertisements in connection with the conduct of elections which may be required by
54 law;

55 (13) To prepare and furnish information for citizens on voter registration and voting;

56 (14) To maintain the official list of registered voters for this state and the list of inactive
57 voters required by this chapter; and

58 (15) To develop, program, build, and review ballots for use by counties and
59 municipalities on direct recording electronic (DRE) voting systems in use in ~~the~~ this
60 state."

61 **SECTION 2.**

62 Said chapter is further amended by revising Code Section 21-2-51, relating to opening of
 63 election records to members of the public, as follows:

64 "21-2-51.

65 Except when otherwise provided by law, the primary and election records of the Secretary
 66 of State, including registration statements, ~~nomination petitions~~, affidavits, certificates,
 67 tally papers, returns, accounts, contracts, reports, and other documents in his or her custody
 68 shall be open to public inspection and may be inspected and copied by any elector of the
 69 state during usual business hours at any time when they are not necessarily being used by
 70 the Secretary of State or his or her employees having duties to perform in reference thereto;
 71 provided, however, that such public inspection thereof shall only be in the presence of the
 72 Secretary of State or his or her employee and shall be subject to proper regulation for the
 73 safekeeping of such documents and subject to the further provisions of this chapter."

74 **SECTION 3.**

75 Said chapter is further amended by revising Code Section 21-2-70, relating to powers and
 76 duties of election superintendents, as follows:

77 "21-2-70.

78 Each superintendent within his or her county or municipality shall exercise all the powers
 79 granted to him or her by this chapter and shall perform all the duties imposed upon him or
 80 her by this chapter, which shall include the following:

81 (1) To receive and act upon all petitions presented by electors, the board of registrars, or
 82 the county executive committee of a political party for the division, redivision, alteration,
 83 change, or consolidation of precincts;

84 ~~(2) To receive and determine the sufficiency of nomination petitions of candidates filing~~
 85 ~~notice of their candidacy with him or her in accordance with this chapter~~ Reserved;

86 (3) To prepare and publish, in the manner provided by this chapter, all notices and
 87 advertisements; in connection with the conduct of elections; which may be required by
 88 law, and to transmit immediately to the Secretary of State a copy of any publication in
 89 which a call for a special primary, election, or runoff is issued;

90 (4) To select and equip polling places for use in primaries and elections in accordance
 91 with this chapter;

92 (5) To purchase, except voting machines, preserve, store, and maintain election
 93 equipment of all kinds, including voting booths and ballot boxes and to procure ballots
 94 and all other supplies for primaries and elections;

95 (6) To appoint poll officers and other officers to serve in primaries and elections in
 96 accordance with this chapter;

- 97 (7) To make and issue such rules, regulations, and instructions, consistent with law,
 98 including the rules and regulations promulgated by the State Election Board, as he or she
 99 may deem necessary for the guidance of poll officers, custodians, and electors in
 100 primaries and elections;
- 101 (8) To instruct poll officers and others in their duties, calling them together in meetings
 102 whenever deemed advisable, and to inspect systematically and thoroughly the conduct
 103 of primaries and elections in the several precincts of his or her county to the end that
 104 primaries and elections may be honestly, efficiently, and uniformly conducted;
- 105 (9) To receive from poll officers the returns of all primaries and elections, to canvass and
 106 compute the same, and to certify the results thereof to such authorities as may be
 107 prescribed by law;
- 108 (10) To announce publicly, by posting in his or her office, the results of all primaries and
 109 elections held in his or her county or municipality;
- 110 (11) In any general election at which a proposal to amend the Constitution or to provide
 111 for a new Constitution is submitted to the electors for ratification, the election
 112 superintendent shall provide copies of the summary of such proposal prepared pursuant
 113 to Article X, Section I, Paragraph II of the Constitution as provided in this paragraph. A
 114 reasonable number of copies of such summary shall be conspicuously available in each
 115 polling place;
- 116 (12) To prepare annually a budget estimate of his or her expenses under this chapter, in
 117 which shall be set forth an itemized list of expenditures for the preceding two years and
 118 an itemized estimate of the amount of money necessary to be appropriated for the ensuing
 119 year and to submit the same at the time and in the manner and form other budget
 120 estimates of his or her county or municipality are now or may hereafter be required to be
 121 filed;
- 122 (13) To conduct all elections in such manner as to guarantee the secrecy of the ballot and
 123 to perform such other duties as may be prescribed by law;
- 124 (14) To become certified by satisfactorily completing a certification program as set forth
 125 in Code Section 21-2-101; and
- 126 (15) To take an oath in the following form:
- 127 I, _____, do swear (or affirm) that I will as superintendent
 128 duly attend the ensuing election (or primary) during the continuance thereof, that I will
 129 to the best of my ability prevent any fraud, deceit, or abuse in carrying on the same, that
 130 I will make a true and perfect return of the said election (or primary), and that I will at
 131 all times truly, impartially, and faithfully perform my duties in accordance with Georgia
 132 laws to the best of my judgment and ability."

133 **SECTION 4.**

134 Said chapter is further amended by revising Code Section 21-2-72, relating to primary and
135 election records to be open to public, as follows:

136 "21-2-72.

137 Except when otherwise provided by law or court order, the primary and election records
138 of each superintendent, registrar, municipal governing authority, and committee of a
139 political party or body, including registration statements, ~~nomination petitions~~, affidavits,
140 certificates, tally papers, returns, accounts, contracts, reports, and other documents in
141 official custody, except the contents of voting machines, shall be open to public inspection
142 and may be inspected and copied by any elector of the county or municipality during usual
143 business hours at any time when they are not necessarily being used by the custodian or his
144 or her employees having duties to perform in reference thereto; provided, however, that
145 such public inspection shall only be in the presence of the custodian or his or her employee
146 and shall be subject to proper regulation for the safekeeping of such documents and subject
147 to the further provisions of this chapter. The custodian shall also, upon request, if
148 photocopying equipment is available in the building in which the records are housed, make
149 and furnish to any member of the public copies of any of such records upon payment of the
150 actual cost of copying the records requested."

151 **SECTION 5.**

152 Said chapter is further amended by revising subsection (f) of Code Section 21-2-110, relating
153 to filing of registration statements by political parties or bodies with the Secretary of State,
154 as follows:

155 "(f) A political party, body, or municipal executive committee failing to file a registration
156 statement as required by subsection (a) or (b) of this Code section at least 60 days before
157 any primary or election at which it shall seek to have candidates on the ballot shall not have
158 its name or the names of its candidates placed on any ~~nomination petition~~, ballot, or ballot
159 label."

160 **SECTION 6.**

161 Said chapter is further amended by revising Code Section 21-2-130, relating to procedures
162 for qualification of candidates generally, as follows:

163 "21-2-130.

164 Candidates may qualify for an election by virtue of:

- 165 (1) Nomination in a primary conducted by a political party;
166 (2) Filing a ~~nomination petition~~ notice of candidacy either as an independent candidate
167 or as a nominee of a political body, if duly certified by the chairperson and the secretary

168 of the political body as having been nominated in a duly constituted political body
 169 convention as prescribed in Code Section 21-2-172;

170 ~~(3) Nomination for a state-wide office by a duly constituted political body convention~~
 171 ~~as prescribed in Code Section 21-2-172 if the political body making the nomination has~~
 172 ~~qualified to nominate candidates for state-wide public office under the provisions of Code~~
 173 ~~Section 21-2-180~~ Reserved;

174 (4) In the case of an election for presidential electors, nomination as prescribed by rules
 175 of a political party;

176 (5) Substitute nomination by a political party or body as prescribed in Code
 177 Sections 21-2-134 and 21-2-155, respectively; or

178 (6) Candidacy in a special election as prescribed in subsection (e) of Code
 179 Section 21-2-132; ~~or~~

180 ~~(7) Being an incumbent qualifying as a candidate to succeed such incumbent as~~
 181 ~~prescribed in subsection (e) of Code Section 21-2-132."~~

182 **SECTION 7.**

183 Said chapter is further amended by revising Code Section 21-2-132, relating to filing notice
 184 of candidacy, nomination petition, and affidavit, as follows:

185 "21-2-132.

186 (a) The names of nominees of political parties nominated in a primary and the names of
 187 nominees of political parties for the office of presidential elector shall be placed on the
 188 election ballot without their filing the notice of candidacy otherwise required by this Code
 189 section.

190 (b) Candidates seeking election in a nonpartisan election shall comply with the
 191 requirements of subsections (c) and (f) of this Code section, as modified by subsection (g)
 192 of this Code section, by the date prescribed and shall by the same date pay to the proper
 193 authority the qualifying fee prescribed by Code Section 21-2-131 in order to be eligible to
 194 have their names placed on the nonpartisan election ballots.

195 (c) Except as provided in subsection (i) of this Code section, all candidates seeking
 196 election in a nonpartisan election shall file their notice of candidacy and pay the prescribed
 197 qualifying fee by the date prescribed in this subsection in order to be eligible to have their
 198 names placed on the nonpartisan election ballot by the Secretary of State or election
 199 superintendent, as the case may be, in the following manner:

200 (1) Each candidate for the office of judge of the superior court, Judge of the Court of
 201 Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his
 202 or her name placed on the nonpartisan election ballot shall file a notice of candidacy,
 203 giving his or her name, residence address, and the office sought, in the office of the

204 Secretary of State no earlier than 9:00 A.M. on the fourth Monday in June immediately
205 prior to the election and no later than 12:00 Noon on the Friday following the fourth
206 Monday in June, notwithstanding the fact that any such days may be legal holidays; and
207 (2) Each candidate for a county judicial office, a local school board office, or an office
208 of a consolidated government, or the candidate's agent, desiring to have his or her name
209 placed on the nonpartisan election ballot shall file notice of candidacy in the office of the
210 superintendent no earlier than 9:00 A.M. on the fourth Monday in June immediately prior
211 to the election and no later than 12:00 Noon on the Friday following the fourth Monday
212 in June, notwithstanding the fact that any such days may be legal holidays.

213 (d) Except as provided in subsection (i) of this Code section, all political body and
214 independent candidates shall file their notice of candidacy and pay the prescribed
215 qualifying fee by the date prescribed in this subsection in order to be eligible to have their
216 names placed on the election ballot by the Secretary of State or election superintendent, as
217 the case may be, in the following manner:

218 (1) Each candidate for federal or state office, or his or her agent, desiring to have his or
219 her name placed on the election ballot shall file a notice of his or her candidacy, giving
220 his or her name, residence address, and the office he or she is seeking, in the office of the
221 Secretary of State no earlier than 9:00 A.M. on the fourth Monday in June immediately
222 prior to the election and no later than 12:00 Noon on the Friday following the fourth
223 Monday in June in the case of a general election and no earlier than the date of the call
224 of the election and no later than 25 days prior to the election in the case of a special
225 election;

226 (2) Each candidate for a county office, or his or her agent, desiring to have his or her
227 name placed on the election ballot shall file notice of his or her candidacy in the office
228 of the superintendent of his or her county no earlier than 9:00 A.M. on the fourth Monday
229 in June immediately prior to the election and no later than 12:00 Noon on the Friday
230 following the fourth Monday in June in the case of a general election and no earlier than
231 the date of the call of the election and no later than 25 days prior to the election in the
232 case of a special election;

233 (3) Each candidate for municipal office or a designee shall file a notice of candidacy in
234 the office of the municipal superintendent of such candidate's municipality during the
235 municipality's qualifying period. Each municipal superintendent shall designate the days
236 of the qualifying period, which shall be no less than three days and no more than five
237 days. The days of the qualifying period shall be consecutive days. Qualifying periods
238 shall commence no earlier than 8:30 A.M. on the last Monday in August immediately
239 preceding the general election and shall end no later than 4:30 P.M. on the following
240 Friday; and, in the case of a special election, the municipal qualifying period shall

241 commence no earlier than the date of the call and shall end no later than 25 days prior to
 242 the election; and

243 (4)(A) In extraordinary circumstances as described in Code Section 21-2-543.1, each
 244 candidate, or his or her agent, desiring to have his or her name placed on the election
 245 ballot shall file a notice of his or her candidacy, giving his or her name, residence
 246 address, and the office he or she is seeking, with the Office of the Secretary of State no
 247 earlier than the date of the call of the special election and not later than ten days after
 248 the announcement of such extraordinary circumstances.

249 (B) The provisions of this subsection shall not apply where, during the 75 day period
 250 beginning on the date of the announcement of the vacancy:

251 (i) A regularly scheduled general election for the vacant office is to be held; or

252 (ii) Another special election for the vacant office is to be held pursuant to a writ for
 253 a special election issued by the Governor prior to the date of the announcement of the
 254 vacancy.

255 The hours of qualifying each day shall be from 8:30 A.M. until 4:30 P.M. with one hour
 256 allowed for the lunch break; provided, however, that municipalities which have normal
 257 business hours which cover a lesser period of time shall conduct qualifying during normal
 258 business hours for each such municipality. Except in the case of a special election, notice
 259 of the opening and closing dates and the hours for candidates to qualify shall be published
 260 at least two weeks prior to the opening of the qualifying period.

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

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

271 ~~(2) Seeking office in a special election;~~

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

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

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

281 (f) Each candidate required by this Code section to file a notice of candidacy shall
 282 accompany his or her notice of candidacy with an affidavit stating:

283 (1) His or her full name and the name as the candidate desires it to be listed on the ballot.
 284 The surname of the candidate shall be the surname of the candidate as it appears on the
 285 candidate's voter registration card unless the candidate provides proof that his or her
 286 surname as it appears on the candidate's registration card is incorrect in which event the
 287 correct name shall be listed. After such name is submitted to the Secretary of State or the
 288 election superintendent, the form of such name shall not be changed during the election
 289 for which such notice of candidacy is submitted;

290 (2) His or her residence, with street and number, if any, and his or her post office
 291 address;

292 (3) His or her profession, business, or occupation, if any;

293 (4) The name of his or her precinct;

294 (5) That he or she is an elector of the county or municipality of his or her residence
 295 eligible to vote in the election in which he or she is a candidate;

296 (6) The name of the office he or she is seeking;

297 (7) That he or she is eligible to hold such office;

298 (8) That the candidate has never been convicted and sentenced in any court of competent
 299 jurisdiction for fraudulent violation of primary or election laws, malfeasance in office,
 300 or felony involving moral turpitude or conviction of domestic violence under the laws of
 301 this state or any other state or of the United States, or that the candidate's civil rights have
 302 been restored and that at least ten years have elapsed from the date of the completion of
 303 the sentence without a subsequent conviction of another felony involving moral turpitude;

304 (9) That he or she will not knowingly violate this chapter or rules and regulations
 305 adopted under this chapter; and

306 (10) Any other information as may be determined by the Secretary of State to be
 307 necessary to comply with federal and state law.

308 The affidavit shall contain such other information as may be prescribed by the officer with
 309 whom the candidate files his or her notice of candidacy.

310 (g) A pauper's affidavit may be filed in lieu of paying the qualifying fee otherwise required
 311 by this Code section and Code Sections 21-2-131 and 21-2-138 of any candidate who has
 312 filed a qualifying petition as provided for in subsection (h) of this Code section. A
 313 candidate filing a pauper's affidavit instead of paying a qualifying fee shall under oath

314 affirm his or her poverty and his or her resulting inability to pay the qualifying fee
315 otherwise required. The form of the affidavit shall be prescribed by the Secretary of State
316 and shall include a financial statement which lists the total income, assets, liabilities, and
317 other relevant financial information of the candidate and shall indicate on its face that the
318 candidate has neither the assets nor the income to pay the qualifying fee otherwise required.
319 The affidavit shall contain an oath that such candidate has neither the assets nor the income
320 to pay the qualifying fee otherwise required. The following warning shall be printed on the
321 affidavit form prepared by the Secretary of State, to wit: 'WARNING: Any person
322 knowingly making any false statement on this affidavit commits the offense of false
323 swearing and shall be guilty of a felony.' The name of any candidate who subscribes and
324 swears to an oath that such candidate has neither the assets nor the income to pay the
325 qualifying fee otherwise required shall be placed on the ballot by the Secretary of State or
326 election superintendent, as the case may be.

327 (h) No candidate shall be authorized to file a pauper's affidavit in lieu of paying the
328 qualifying fee otherwise required by this Code section and Code Section 21-2-138 unless
329 such candidate has filed a qualifying petition which complies with the following
330 requirements:

331 (1) A qualifying petition of a candidate seeking an office which is voted upon state wide
332 shall be signed by a number of voters equal to one-fourth of 1 percent of the total number
333 of registered voters eligible to vote in the last election for the filling of the office the
334 candidate is seeking and the signers of such petition shall be registered and eligible to
335 vote in the election at which such candidate seeks to be elected. A qualifying petition of
336 a candidate for any other office shall be signed by a number of voters equal to 1 percent
337 of the total number of registered voters eligible to vote in the last election for the filling
338 of the office the candidate is seeking and the signers of such petition shall be registered
339 and eligible to vote in the election at which such candidate seeks to be elected. However,
340 in the case of a candidate seeking an office for which there has never been an election or
341 seeking an office in a newly constituted constituency, the percentage figure shall be
342 computed on the total number of registered voters in the constituency who would have
343 been qualified to vote for such office had the election been held at the last general
344 election and the signers of such petition shall be registered and eligible to vote in the
345 election at which such candidate seeks to be elected;

346 (2) Each person signing a qualifying petition shall declare therein that he or she is a duly
347 qualified and registered elector of the state entitled to vote in the next election for the
348 filling of the office sought by the candidate supported by the petition and shall add to his
349 or her signature his or her residence address, giving municipality, if any, and county, with
350 street and number, if any. No person shall sign the same petition more than once. Each

351 petition shall support the candidacy of only a single candidate. A signature shall be
352 stricken from the petition when the signer so requests prior to the presentation of the
353 petition to the appropriate officer for filing, but such a request shall be disregarded if
354 made after such presentation;

355 (3) A qualifying petition shall be on one or more sheets of uniform size and different
356 sheets must be used by signers resident in different counties. The upper portion of each
357 sheet, prior to being signed by any petitioner, shall bear the name and title of the officer
358 with whom the petition will be filed, the name of the candidate to be supported by the
359 petition, his or her profession, business, or occupation, if any, his or her place of
360 residence with street and number, if any, the name of the office he or she is seeking, his
361 or her political party or body affiliation, if any, and the name and date of the election in
362 which the candidate is seeking election. If more than one sheet is used, they shall be
363 bound together when offered for filing if they are intended to constitute one qualifying
364 petition, and each sheet shall be numbered consecutively, beginning with number one,
365 at the foot of each page. Each sheet shall bear on the bottom or back thereof the affidavit
366 of the circulator of such sheet, which affidavit must be subscribed and sworn to by such
367 circulator before a notary public and shall set forth:

368 (A) His or her residence address, giving municipality with street and number, if any;

369 (B) That each signer manually signed his or her own name with full knowledge of the
370 contents of the qualifying petition;

371 (C) That each signature on such sheet was signed within 180 days of the last day on
372 which such petition may be filed; and

373 (D) That, to the best of the affiant's knowledge and belief, the signers are registered
374 electors of the state qualified to sign the petition, that their respective residences are
375 correctly stated in the petition, and that they all reside in the county named in the
376 affidavit;

377 (4) No qualifying petition shall be circulated prior to 180 days before the last day on
378 which such petition may be filed, and no signature shall be counted unless it was signed
379 within 180 days of the last day for filing the same; and

380 (5) A qualifying petition shall not be amended or supplemented after its presentation to
381 the appropriate officer for filing.

382 No notary public may sign the petition as an elector or serve as a circulator of any petition
383 which he or she notarized. Any and all sheets of a petition that have the circulator's
384 affidavit notarized by a notary public who also served as a circulator of one or more sheets
385 of the petition or who signed one of the sheets of the petition as an elector shall be
386 disqualified and rejected.

387 (i) Notwithstanding any other provision of this chapter to the contrary, for general
388 elections held in the even-numbered year immediately following the official release of the
389 United States decennial census data to the states for the purpose of redistricting of the
390 legislatures and the United States House of Representatives, candidates in such elections
391 shall qualify as provided in this subsection:

392 (1) All candidates seeking election in a nonpartisan election shall file their notice of
393 candidacy and pay the prescribed qualifying fee by the date prescribed in this paragraph
394 in order to be eligible to have their names placed on the nonpartisan election ballot by the
395 Secretary of State or election superintendent, as the case may be, in the following
396 manner:

397 (A) Each candidate for the office of judge of the superior court, Judge of the Court of
398 Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his
399 or her name placed on the nonpartisan election ballot shall file a notice of candidacy,
400 giving his or her name, residence address, and the office sought, in the office of the
401 Secretary of State no earlier than 9:00 A.M. on the last Monday in July immediately
402 prior to the election and no later than 12:00 Noon on the Friday following the last
403 Monday in July, notwithstanding the fact that any such days may be legal holidays; and

404 (B) Each candidate for a county judicial office, a local school board office, or an office
405 of a consolidated government, or the candidate's agent, desiring to have his or her name
406 placed on the nonpartisan election ballot shall file a notice of candidacy in the office
407 of the superintendent no earlier than 9:00 A.M. on the last Monday in July immediately
408 prior to the election and no later than 12:00 Noon on the Friday following the last
409 Monday in July, notwithstanding the fact that any such days may be legal holidays; and

410 (2) All political body and independent candidates shall file their notice of candidacy and
411 pay the prescribed qualifying fee by the date prescribed in this paragraph in order to be
412 eligible to have their names placed on the general election ballot by the Secretary of State
413 or election superintendent, as the case may be, in the following manner:

414 (A) Each candidate for federal or state office, or his or her agent, desiring to have his
415 or her name placed on the general election ballot shall file a notice of his or her
416 candidacy, giving his or her name, residence address, and the office he or she is
417 seeking, in the office of the Secretary of State no earlier than 9:00 A.M. on the last
418 Monday in July immediately prior to the election and no later than 12:00 Noon on the
419 Friday following the last Monday in July; and

420 (B) Each candidate for a county office, or his or her agent, desiring to have his or her
421 name placed on the general election ballot shall file notice of his or her candidacy in the
422 office of the superintendent of his or her county no earlier than 9:00 A.M. on the last

423 Monday in July immediately prior to the election and no later than 12:00 Noon on the
 424 Friday following the last Monday in July; and

425 ~~(3) Candidates required to file nomination petitions under subsection (e) of this Code~~
 426 ~~section shall file such petitions not earlier than 9:00 A.M. on the fourth Monday in July~~
 427 ~~immediately prior to the general election and not later than 12:00 Noon on the first~~
 428 ~~Monday in August immediately prior to the general election.~~

429 (j)(1) Notwithstanding any provision of law to the contrary, any elected public officer
 430 who is performing ordered military duty, as defined in Code Section 38-2-279, shall be
 431 eligible for reelection in any primary or general election which may be held to elect a
 432 successor for the next term of office, and may qualify in absentia as a candidate for
 433 reelection to such office. The performance of ordered military duty shall not create a
 434 vacancy in such office during the term for which such public officer was elected.

435 (2) Where the giving of written notice of candidacy is required, any elected public officer
 436 who is performing ordered military duty may deliver such notice by mail, agent, or
 437 messenger to the proper elections official. Any other act required by law of a candidate
 438 may, during the time such officer is on ordered military duty, be performed by an agent
 439 designated in writing by the absent public officer.

440 (k) Only those candidates whose notices of candidacy are accompanied by a certificate
 441 sworn to by the chairperson and secretary of a political body duly registered with the
 442 Secretary of State as required by Code Section 21-2-110, stating that the named candidate
 443 is the nominee of that political body by virtue of being nominated in a convention as
 444 prescribed in Code Section 21-2-172, shall be listed on the ballot under the name of the
 445 political body. All petition candidates not so designated as the nominee of a political body
 446 shall be listed on the ballot as an independent."

447 **SECTION 8.**

448 Said chapter is further amended by revising Code Section 21-2-138, relating to nonpartisan
 449 elections for judicial offices, as follows:

450 "21-2-138.

451 The names of all candidates who have qualified with the Secretary of State for the office
 452 of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court
 453 of this state and the names of all candidates who have qualified with the election
 454 superintendent for the office of judge of a state court shall be placed on the ballot in a
 455 nonpartisan election to be held and conducted jointly with the general election in each
 456 even-numbered year. No candidates for any such office shall be nominated by a political
 457 party or ~~by a petition~~ as a candidate of a political body or as an independent candidate.
 458 Candidates for any such office shall have their names placed on the nonpartisan portion of

459 each ballot by complying with the requirements prescribed in Code Section 21-2-132
 460 specifically related to such nonpartisan candidates and by paying the requisite qualifying
 461 fees as prescribed in Code Section 21-2-131. Candidates shall be listed on the official
 462 ballot in a nonpartisan election as provided in Code Sections 21-2-284.1 and 21-2-285.1,
 463 respectively. Except as otherwise specified in this chapter, the procedures to be employed
 464 in conducting the nonpartisan election of judges of state courts, judges of superior courts,
 465 Judges of the Court of Appeals, and Justices of the Supreme Court shall conform as nearly
 466 as practicable to the procedures governing general elections; and such general election
 467 procedures as are necessary to complete this nonpartisan election process shall be adopted
 468 in a manner consistent with such nonpartisan elections."

469 **SECTION 9.**

470 Said chapter is further amended by repealing and reserving Code Section 21-2-170, relating
 471 to nomination of candidates by petition.

472 **SECTION 10.**

473 Said chapter is further amended by repealing and reserving Code Section 21-2-171, relating
 474 to examination of petitions.

475 **SECTION 11.**

476 Said chapter is further amended by revising Code Section 21-2-172, relating to nomination
 477 of presidential electors and candidates of political bodies by convention, as follows:

478 "21-2-172.

479 (a) Any political party desiring to nominate its presidential electors by convention; and any
 480 political body desiring to nominate its candidates ~~qualifying with petitions~~ by convention;
 481 ~~and any political body desiring to nominate its candidates for state-wide public office by~~
 482 ~~convention by virtue of qualifying under Code Section 21-2-180~~ shall, through its state
 483 executive committee, adopt rules and regulations in conformity with this Code section
 484 governing the holding of such conventions for the nomination of candidates for any state,
 485 district, or county office. Such rules and regulations shall be filed with the Secretary of
 486 State, and no amendment to such rules and regulations shall be effective unless filed with
 487 the Secretary of State at least 30 days prior to the date of such convention. The state party
 488 or body chairperson of such political party or body and its secretary shall accompany the
 489 filing of such rules and regulations with their certificate certifying that the rules and
 490 regulations therein filed are a true and correct copy of the rules and regulations of the party
 491 pertaining to the nomination of candidates by the convention method.

492 (b) The Secretary of State shall examine all such rules and all amendments thereto as shall
493 be filed with him or her within 15 days after receipt thereof. If, in the opinion of the
494 Secretary of State, any rule or regulation, or any part thereof, does not meet the
495 requirements prescribed by this Code section, he or she shall notify the state party or body
496 chairperson and secretary of such party or body in writing, stating therein his or her reasons
497 for rejecting such rule or regulation. If, in the judgment of the Secretary of State, such
498 rules and regulations meet the requirements prescribed by this Code section, they shall be
499 approved.

500 (c) The Secretary of State shall not approve any such rules or regulations unless they
501 provide:

502 (1) That a notice of the proposed date for the holding of any such convention must be
503 published in a newspaper having a general circulation within the area to be affected at
504 least ten days prior to the date of any such convention. Such notice shall also state the
505 purpose for which the convention has been called;

506 (2) That delegates to the convention shall be certified pursuant to appropriate party or
507 body rules by the proper party or body officials;

508 (3) That delegates to the convention shall be apportioned in such manner as will properly
509 reflect the number of electors residing within the political subdivisions or areas affected
510 in accordance with the last United States decennial census, or apportioned according to
511 the number of votes received by the party's candidate for the office of President of the
512 United States in the last presidential election in the areas concerned, or apportioned
513 according to the number of votes received by the party's candidate for the office of
514 Governor of Georgia in the last gubernatorial election in the areas concerned;

515 (4) In the event that more than one county is involved, each county shall have at least
516 one delegate to the convention, and such additional delegates as shall be allotted thereto
517 shall be apportioned according to paragraph (3) of this subsection; and

518 (5) That a certified copy of the minutes of the convention, attested to by the chairperson
519 and secretary of the convention, ~~must~~ shall be filed by the nominee with his or her notice
520 of candidacy.

521 (d) Any candidate nominated by convention shall be required to pay to the person with
522 whom he or she files his or her notice of candidacy the same qualifying fee or the same
523 pauper's affidavit and qualifying petition as that required of other candidates for the same
524 office.

525 (e) A convention for the purpose of nominating candidates shall be held at least 150 days
526 prior to the date on which the general election is conducted; provided, however, that, in the
527 case of a general election held in the even-numbered year immediately following the
528 official release of the United States decennial census data to the states for the purpose of

529 redistricting of the legislatures and the United States House of Representatives, the
 530 convention shall be held at least 120 days prior to the date on which the general election
 531 is conducted.

532 (f) Nothing contained within this Code section shall be construed so as to apply to the
 533 nomination of substitute candidates by convention pursuant to Code Section 21-2-134 or
 534 to the nomination of candidates in special elections."

535 **SECTION 12.**

536 Said chapter is further amended by repealing Part 4 of Article 4, relating to nomination of
 537 candidates of political bodies for state-wide public office by convention.

538 **SECTION 13.**

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

541 "(d) Unless a candidate has filed with his or her ~~nominating petition~~ notice of candidacy
 542 a certificate from a political party or body attesting that such candidate is the nominee of
 543 such party or body by virtue of having been nominated in a duly constituted party or body
 544 convention, the candidate's name shall appear on the ballot ~~under the~~ as an independent
 545 ~~column.~~"

546 **SECTION 14.**

547 Said chapter is further amended by revising subsection (d) of Code Section 21-2-379.5,
 548 relating to ballot information, as follows:

549 "(d) Unless a candidate has filed with his or her ~~nominating petition~~ notice of candidacy
 550 a certificate from a political party or body attesting that such candidate is the nominee of
 551 such party or body by virtue of having been nominated in a duly constituted party or body
 552 convention, the candidate's name shall appear on the ballot as an independent."

553 **SECTION 15.**

554 Said chapter is further amended by revising subsection (f) of Code Section 21-2-480, relating
 555 to caption for ballots, as follows:

556 "(f) Unless a candidate has filed with his or her ~~nominating petition~~ notice of candidacy
 557 a certificate from a political party or body attesting that such candidate is the nominee of
 558 such party or body by virtue of having been nominated in a duly constituted party or body
 559 convention, the candidate's name shall appear on the ballot as an independent."

560 **SECTION 16.**

561 Said chapter is further amended by revising Code Section 21-2-563, relating to improper
562 signing or alteration of nomination petitions or affidavits, as follows:

563 "21-2-563.

564 Any person who knowingly and willfully:

565 (1) Signs any ~~nomination~~ qualifying petition without having the qualifications prescribed
566 by this chapter;

567 (2) Sets any false statement opposite the signature on a ~~nomination~~ qualifying petition;

568 (3) ~~Signs more nomination petitions than permitted by this chapter~~ Reserved;

569 (4) Makes a false statement in any affidavit required by this chapter to be appended to
570 or to accompany a ~~nomination~~ qualifying petition;

571 (5) Signs any name not his or her own to any ~~nomination~~ qualifying petition; or

572 (6) Materially alters any ~~nomination~~ qualifying petition without the consent of the
573 signers

574 shall be guilty of a felony."

575 **SECTION 17.**

576 Said chapter is further amended by revising Code Section 21-2-564, relating to willful
577 destruction, fraudulent filing, or suppression of nomination materials, as follows:

578 "21-2-564.

579 Any person who willfully makes any false nomination certificate or defaces or destroys any
580 ~~nomination~~ qualifying petition, nomination certificate, or nomination paper, or letter of
581 withdrawal, knowing the same; or any part thereof; to be made falsely, or suppresses any
582 ~~nomination~~ qualifying petition, nomination certificate, or nomination paper, or any part
583 thereof, which has been duly filed shall be guilty of a felony."

584 **SECTION 18.**

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