

House Bill 725

By: Representatives Hamilton of the 23<sup>rd</sup>, Powell of the 171<sup>st</sup>, Sheldon of the 105<sup>th</sup>, Powell of the 29<sup>th</sup>, Oliver of the 83<sup>rd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 4 of Chapter 2 of Title 21 of the Official Code of Georgia  
2 Annotated, relating to general provisions relative to selection and qualification of candidates  
3 and presidential electors, so as to provide for reopening of qualifying periods under certain  
4 circumstances; to change certain provisions relating to filing notice of candidacy, nomination  
5 petition, and affidavit, payment of qualifying fee, pauper's affidavit and qualifying petition  
6 for exemption from qualifying fee, and military service; to change certain provisions relating  
7 to qualification of candidates for party nomination in a state or county primary, posting of  
8 list of all qualified candidates, filing of affidavit with political party by each qualifying  
9 candidate, and performance of military service does not create vacancy; to change certain  
10 provisions relating to reopening of qualification for office in the event of a candidate's death  
11 prior to a political party primary; to provide an effective date; to repeal conflicting laws; and  
12 for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 style="text-align:center">**SECTION 1.**

15 Part 1 of Article 4 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated,  
16 relating to general provisions relative to selection and qualification of candidates and  
17 presidential electors, is amended in Code Section 21-2-132, relating to filing notice of  
18 candidacy, nomination petition, and affidavit, payment of qualifying fee, pauper's affidavit  
19 and qualifying petition for exemption from qualifying fee, and military service, by revising  
20 by revising subsection (c) and the introductory language and paragraph (1) of subsection (i)  
21 as follows:

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

27 (1) Each candidate for the office of judge of the superior court, Judge of the Court of  
 28 Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his  
 29 or her name placed on the nonpartisan election ballot shall file a notice of candidacy,  
 30 giving his or her name, residence address, and the office sought, in the office of the  
 31 Secretary of State no earlier than 9:00 A.M. on the fourth Monday in April immediately  
 32 prior to the election and no later than 12:00 Noon on the Friday following the fourth  
 33 Monday in April, notwithstanding the fact that any such days may be legal holidays; ~~and~~

34 (2) Each candidate for a county judicial office, a local school board office, or an office  
 35 of a consolidated government, or the candidate's agent, desiring to have his or her name  
 36 placed on the nonpartisan election ballot shall file notice of candidacy in the office of the  
 37 superintendent no earlier than 9:00 A.M. on the fourth Monday in April immediately  
 38 prior to the election and no later than 12:00 Noon on the Friday following the fourth  
 39 Monday in April, notwithstanding the fact that any such days may be legal holidays; ~~and~~

40 (3) In any case where an incumbent has filed notice of candidacy and paid the prescribed  
 41 qualifying fee in a nonpartisan election to succeed himself or herself in office but  
 42 withdraws as a candidate for such office prior to the close of the applicable qualifying  
 43 period prescribed in this subsection, qualifying for candidates other than such incumbent  
 44 shall be reopened at 9:00 A.M. on the Monday next following the close of the preceding  
 45 qualifying period and shall cease at 5:00 P.M. on the Tuesday immediately following  
 46 such reopening, notwithstanding the fact that any such days may be legal holidays."

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

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

57 (A) Each candidate for the office of judge of the superior court, Judge of the Court of  
 58 Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his  
 59 or her name placed on the nonpartisan election ballot shall file a notice of candidacy,  
 60 giving his or her name, residence address, and the office sought, in the office of the  
 61 Secretary of State at the same time as candidates for party nomination in the general  
 62 primary as provided in paragraph (1) of subsection (c) of Code Section 21-2-153,  
 63 notwithstanding the fact that any such days may be legal holidays; ~~and~~

64 (B) Each candidate for a county judicial office, a local school board office, or an office  
 65 of a consolidated government, or the candidate's agent, desiring to have his or her name  
 66 placed on the nonpartisan election ballot shall file a notice of candidacy in the office  
 67 of the superintendent at the same time as candidates for party nomination in the general  
 68 primary as provided in paragraph (1) of subsection (c) of Code Section 21-2-153,  
 69 notwithstanding the fact that any such days may be legal holidays; and  
 70 (C) In any case where an incumbent has filed notice of candidacy and paid the  
 71 prescribed qualifying fee in a nonpartisan election to succeed himself or herself in  
 72 office but withdraws as a candidate for such office prior to the close of the applicable  
 73 qualifying period prescribed in this paragraph, qualifying for candidates other than such  
 74 incumbent shall be reopened at 9:00 A.M. on the Monday next following the close of  
 75 the preceding qualifying period and shall cease at 5:00 P.M. on the Tuesday  
 76 immediately following such reopening, notwithstanding the fact that any such days may  
 77 be legal holidays;"

78 **SECTION 2.**

79 Said part is further amended in Code Section 21-2-153, relating to qualification of candidates  
 80 for party nomination in a state or county primary, posting of list of all qualified candidates,  
 81 filing of affidavit with political party by each qualifying candidate, and performance of  
 82 military service does not create vacancy, by revising paragraph (1) of subsection (c) as  
 83 follows:

84 "(c)(1)(A) In the case of a general state or county primary, the candidates or their  
 85 agents shall commence qualifying at 9:00 A.M. on the fourth Monday in April  
 86 immediately prior to the state or county primary and shall cease qualifying at 12:00  
 87 Noon on the Friday following the fourth Monday in April, notwithstanding the fact that  
 88 any such days may be legal holidays; ~~provided, however, that, in,~~

89 (B) In the case of a general primary held in the even-numbered year immediately  
 90 following the official release of the United States decennial census data to the states for  
 91 the purpose of redistricting of the legislatures and the United States House of  
 92 Representatives, ~~the;~~

93 (i) The candidates or their agents for political party nomination to county offices shall  
 94 commence qualifying at 9:00 A.M. on the Wednesday immediately following the  
 95 third Monday in May immediately prior to such primary and shall cease qualifying  
 96 at 12:00 Noon on the Friday immediately following the Wednesday immediately  
 97 following the third Monday in May, notwithstanding the fact that any such days may  
 98 be legal holidays; ~~and provided, further, that candidates; and~~

99 (ii) Candidates for political party nomination to federal and state offices in a general  
 100 primary shall commence qualifying at 9:00 A.M. on the Wednesday immediately  
 101 following the third Monday in May immediately prior to such primary and shall cease  
 102 qualifying at 12:00 Noon on the Friday immediately following the Wednesday  
 103 immediately following the third Monday in May, notwithstanding the fact that any  
 104 such days may be legal holidays, and shall qualify in person or by their agents with  
 105 their respective political party in the state capitol under such rules and regulations as  
 106 the Secretary of State may promulgate ~~and provided, further, that all.~~ All qualifying  
 107 for federal and state offices on the last day of the qualifying period shall be conducted  
 108 in the chamber of the House of Representatives in the state capitol.

109 (C) In the case of a special primary, the candidate shall qualify no earlier than the date  
 110 of the call for the special primary and no later than 25 days immediately prior to the  
 111 date of such primary, and such qualifying period shall be open for a minimum of two  
 112 and one-half days.

113 (D) In any case where an incumbent has qualified as a candidate to succeed himself or  
 114 herself in office but withdraws as a candidate for such office prior to the close of the  
 115 applicable qualifying period prescribed in this paragraph, qualifying for candidates  
 116 other than such incumbent shall be reopened at 9:00 A.M. on the Monday next  
 117 following the close of the preceding qualifying period and shall cease at 5:00 P.M. on  
 118 the Tuesday immediately following such reopening, notwithstanding the fact that any  
 119 such days may be legal holidays."

### 120 SECTION 3.

121 Said part is further amended by revising Code Section 21-2-155, relating to reopening of  
 122 qualification for office in the event of a candidate's death prior to a political party primary,  
 123 as follows:

124 "21-2-155.

125 In the event of the death of a candidate or the withdrawal of an incumbent who qualified  
 126 as a candidate to succeed himself or herself in office, either of which occurs after the close  
 127 of qualifying for candidates for such office but prior to the date of a political party primary,  
 128 the state executive committee or other committee of the party authorized by party rule or,  
 129 in the case of a municipal election, the municipal executive committee may reopen  
 130 qualification for the office sought by the deceased or withdrawn candidate for a period of  
 131 not less than one nor more than three days."

132 **SECTION 4.**

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

135 **SECTION 5.**

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