

Senate Bill 377

By: Senators Carter of the 1st, Williams of the 19th, McKoon of the 29th and Hill of the 32nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to
2 provide that certain circulators of petitions shall be required to verify the identity of persons
3 signing the petition; to provide for acceptable identification; to provide for related matters;
4 to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by
8 revising subsection (h) of Code Section 21-2-132, relating to filing notice of candidacy,
9 nomination petition, and affidavit, payment of qualifying fee, pauper's affidavit and
10 qualifying petition for exemption from qualifying fee, and military service, as follows:

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

15 (1) A qualifying petition of a candidate seeking an office which is voted upon state wide
16 shall be signed by a number of voters equal to one-fourth of 1 percent of the total number
17 of registered voters eligible to vote in the last election for the filling of the office the
18 candidate is seeking and the signers of such petition shall be registered and eligible to
19 vote in the election at which such candidate seeks to be elected. A qualifying petition of
20 a candidate for any other office shall be signed by a number of voters equal to 1 percent
21 of the total number of registered voters eligible to vote in the last election for the filling
22 of the office the candidate is seeking and the signers of such petition shall be registered
23 and eligible to vote in the election at which such candidate seeks to be elected. However,
24 in the case of a candidate seeking an office for which there has never been an election or
25 seeking an office in a newly constituted constituency, the percentage figure shall be
26 computed on the total number of registered voters in the constituency who would have

27 been qualified to vote for such office had the election been held at the last general
 28 election and the signers of such petition shall be registered and eligible to vote in the
 29 election at which such candidate seeks to be elected;

30 (2) Each person signing a qualifying petition shall declare therein that he or she is a duly
 31 qualified and registered elector of the state entitled to vote in the next election for the
 32 filling of the office sought by the candidate supported by the petition, shall prove his or
 33 her identity by exhibiting one of the identification documents specified in this subsection
 34 to the circulator of the petition, and shall add to his or her signature his or her residence
 35 address, giving municipality, if any, and county, with street and number, if any. No
 36 person shall sign the same petition more than once. Each petition shall support the
 37 candidacy of only a single candidate. A signature shall be stricken from the petition
 38 when the signer so requests prior to the presentation of the petition to the appropriate
 39 officer for filing, but such a request shall be disregarded if made after such presentation;

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

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

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

56 (C) That each signer gave proof of his or her identity by exhibiting to the circulator his
 57 or her valid identification documents as provided in this subsection;

58 ~~(D)~~ (D) That each signature on such sheet was signed within 180 days of the last day
 59 on which such petition may be filed; and

60 ~~(E)~~ (E) That, to the best of the affiant's knowledge and belief, the signers are registered
 61 electors of the state qualified to sign the petition, that their respective residences are
 62 correctly stated in the petition, and that they all reside in the county named in the
 63 affidavit;

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

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

69 No notary public may sign the petition as an elector or serve as a circulator of any petition
 70 which he or she notarized. Any and all sheets of a petition that have the circulator's
 71 affidavit notarized by a notary public who also served as a circulator of one or more sheets
 72 of the petition or who signed one of the sheets of the petition as an elector shall be
 73 disqualified and rejected. Acceptable identification documents for proof of identity under
 74 this subsection shall be one of those items of identification specified in subsection (a) of
 75 Code Section 21-2-417."

76 **SECTION 2.**

77 Said title is further amended by revising subsections (c) and (d) of Code Section 21-2-170,
 78 relating to nomination of candidates by petition, form of petition, signatures, limitations as
 79 to circulation and amendment of petitions, listing of such candidates on ballots, and charter
 80 or ordinance authorization, as follows:

81 "(c) Each person signing a nomination petition shall declare therein that he or she is a duly
 82 qualified and registered elector of the state, county, or municipality entitled to vote in the
 83 next election for the filling of the office sought by the candidate supported by the petition;
 84 shall prove his or her identity by exhibiting one of the identification documents specified
 85 in subsection (d) of this Code section to the circulator of the petition; and shall add to his
 86 or her signature his or her residence address, giving municipality, if any, and county, with
 87 street and number, if any, and be urged to add the person's date of birth which shall be used
 88 for verification purposes. No person shall sign the same petition more than once. Each
 89 petition shall support the candidacy of only a single candidate, except any political body
 90 seeking to have the names of its candidates for the offices of presidential electors placed
 91 upon the ballot through nomination petitions shall not compile a separate petition for each
 92 candidate for such office, but such political body shall compile its petitions so that the
 93 entire slate of candidates of such body for such office shall be listed together on the same
 94 petition. A signature shall be stricken from the petition when the signer so requests prior
 95 to the presentation of the petition to the appropriate officer for filing, but such a request
 96 shall be disregarded if made after such presentation.

97 (d) A nomination petition shall be on one or more sheets of uniform size and different
 98 sheets must be used by signers resident in different counties or municipalities. The upper
 99 portion of each sheet, prior to being signed by any petitioner, shall bear the name and title

100 of the officer with whom the petition will be filed, the name of the candidate to be
 101 supported by the petition, his or her profession, business, or occupation, if any, his or her
 102 place of residence with street and number, if any, the name of the office he or she is
 103 seeking, his or her political body affiliation, if any, and the name and date of the election
 104 in which the candidate is seeking election. If more than one sheet is used, they shall be
 105 bound together when offered for filing if they are intended to constitute one nomination
 106 petition, and each sheet shall be numbered consecutively, beginning with number one, at
 107 the foot of each page. Each sheet shall bear on the bottom or back thereof the affidavit of
 108 the circulator of such sheet, which affidavit must be subscribed and sworn to by such
 109 circulator before a notary public, and shall set forth:

- 110 (1) His or her residence address, giving municipality with street and number, if any;
 111 (2) That each signer manually signed his or her own name with full knowledge of the
 112 contents of the nomination petition;
 113 (3) That each signer gave proof of his or her identity by exhibiting to the circulator his
 114 or her valid identification documents as provided in this subsection;
 115 ~~(3)~~(4) That each signature on such sheet was signed within 180 days of the last day on
 116 which such petition may be filed; and
 117 ~~(4)~~(5) That, to the best of the affiant's knowledge and belief, the signers are registered
 118 electors of the state qualified to sign the petition, that their respective residences are
 119 correctly stated in the petition, and that they all reside in the county or municipality
 120 named in the affidavit.

121 No notary public may sign the petition as an elector or serve as a circulator of any petition
 122 which he or she notarized. Any and all sheets of a petition that have the circulator's
 123 affidavit notarized by a notary public who also served as a circulator of one or more sheets
 124 of the petition or who signed one of the sheets of the petition as an elector shall be
 125 disqualified and rejected. Acceptable identification documents for proof of identity for
 126 signers of petitions under this Code section shall be one of those items of identification
 127 specified in subsection (a) of Code Section 21-2-417."

128 SECTION 3.

129 Said title is further amended by adding a new Code section to read as follows:

130 "21-2-540.1.

131 (a) Any petition that is required by law for the purpose of causing a referendum to be held
 132 shall, in addition to any other requirements of law, comply with the requirements of this
 133 Code section.

134 (b) Each signer of a petition that is required by law for the purpose of causing a
 135 referendum to be held shall provide proof of his or her identity by exhibiting one of the

136 identification documents specified in this Code section to the circulator of the petition. The
 137 circulator shall certify under oath when submitting such petition that each signer gave proof
 138 of his or her identity by exhibiting to the circulator his or her valid identification documents
 139 as provided in this Code section.
 140 (c) Acceptable identification documents for proof of identity for signers of petitions under
 141 this Code section shall be one of those items of identification specified in subsection (a)
 142 of Code Section 21-2-417."

143 **SECTION 4.**

144 Said title is further amended by revising paragraph (1) of subsection (b) of Code
 145 Section 21-4-5, relating to application for recall petition and time of filing, sponsors,
 146 withdrawal of signature, duties of election superintendent, and printing and distribution of
 147 recall petition forms by Secretary of State, as follows:

148 "(b)(1) The application shall include:

149 (A) The name and office of the person sought to be recalled;

150 (B) The printed names and signatures of the official sponsors, the date signed,
 151 residence addresses, and the name of the county of residence, each of whom shall be
 152 required to provide proof of his or her identity to the circulator of the application by
 153 exhibiting to the circulator one or more of the identification documents specified in
 154 subsection (a) of Code Section 21-2-417;

155 (C) The designation of one of the sponsors as the petition chairperson who shall
 156 represent the sponsors on all matters pertaining to the recall application and petition;

157 (D) A statement that: _____ (name and office) has, while
 158 holding public office, conducted himself or herself in a manner which relates to and
 159 adversely affects the administration of his or her office and adversely affects the rights
 160 and interests of the public and stating the appropriate ground or grounds for recall as
 161 set forth in subparagraph (B) of paragraph (7) of Code Section 21-4-3 with a brief
 162 statement of the fact or facts upon which the ground or grounds are based. Such
 163 statement shall be typed, printed, or reproduced by the election superintendent on the
 164 face of each application issued; and

165 (E)(i) An affidavit by the petition chairperson and the person circulating such recall
 166 application that each person sponsoring or signing such recall application is an elector
 167 of the electoral district of the officer sought to be recalled, that each signer gave proof
 168 of his or her identity by exhibiting to the circulator his or her valid identification
 169 documents as provided in this subsection, and that the fact or facts upon which the
 170 ground or grounds for recall are based are true.

171 (ii) The affidavit required by division (i) of this subparagraph shall be in the
172 following form:

173 AFFIDAVIT OF CIRCULATOR
174 AND PETITION CHAIRPERSON

175 State of Georgia

176 County of _____

177 Under the penalty of a violation of Code Section 16-10-71 of the Official Code of
178 Georgia Annotated, relating to false swearing, punishable by a fine not to exceed
179 \$1,000.00 or by imprisonment of not less than one nor more than five years, or both,
180 we the undersigned do depose and say that each person sponsoring or signing the
181 recall application of _____ is an elector of the electoral
182 district of the officer sought to be recalled and that each signer gave proof of his or
183 her identity by exhibiting valid identification documents as provided by law and
184 further depose and say that the fact or facts upon which the ground or grounds for
185 recall are based are true.

186 _____
187 (Signature of circulator)

188 _____
189 (Residence address)
190 (Number and street or route)

191 _____
192 (City)

193 _____
194 (Signature of petition
195 chairperson)

196 _____
197 (Residence address)
198 (Number and street or route)

199 _____
200 (City)

201 Subscribed and sworn to
202 before me this _____
203 day of _____, ____.

204 _____

205 Notary public

206 _____, Georgia

207 My commission expires on the _____ day of _____, ____.

208 No notary public may sign the application as an elector or serve as a circulator of any
 209 application which he or she notarized. Any and all sheets of an application for a
 210 recall petition that have the circulator's affidavit notarized by a notary public who also
 211 served as a circulator of one or more sheets of the application for a recall petition or
 212 who signed one of the sheets of the petition as an elector shall be disqualified and
 213 rejected. Acceptable identification documents for proof of identity for signers of
 214 petitions under this Code section shall be one of those items of identification specified
 215 in subsection (a) of Code Section 21-2-417."

216 **SECTION 5.**

217 Said title is further amended by revising subsection (b), (d), and (e) of Code Section 21-4-8,
 218 relating to electors eligible to sign recall petition, procedure for circulating, obtaining and
 219 verifying signatures, form for affidavit of circulator, and change in signature and residence
 220 address, as follows:

221 "(b) Every elector signing a recall petition shall do so in the presence of the person
 222 circulating the petition, who is to execute the affidavit of verification on the reverse side
 223 of the petition form. At the time of signing, the elector shall provide proof of his or her
 224 identity to the circulator of the application by exhibiting to the circulator one or more of
 225 the identification documents specified in subsection (a) of Code Section 21-2-417 and shall
 226 sign his name, and such elector or the person circulating the petition shall print the name
 227 of the elector below the elector's signature and shall print or write in the appropriate spaces
 228 following the signature the elector's residence address, giving number and street or route
 229 and city, the name of the county, and the date on which the elector signed the petition. No
 230 notary public may sign the petition as an elector or serve as a circulator of any petition
 231 which he or she notarized. Any and all sheets of a recall petition that have the circulator's
 232 affidavit notarized by a notary public who also served as a circulator of one or more sheets
 233 of the recall petition or who signed one of the sheets of the petition as an elector shall be
 234 disqualified and rejected."

235 "(d) The person before whom the electors signed the recall petition shall verify, in an
 236 affidavit subscribed and sworn to by him or her before a notary public, that each of the
 237 names on the petition form was signed in his or her presence on the date indicated, that
 238 each signer gave proof of his or her identity by exhibiting to the circulator his or her valid
 239 identification documents as provided in this subsection, and that in his or her belief each

240 signer was an elector of the electoral district of the officer sought to be recalled.
 241 Acceptable identification documents for proof of identity for signers of petitions under this
 242 Code section shall be one of those items of identification specified in subsection (a) of
 243 Code Section 21-2-417.

244 (e) The affidavit printed on the reverse side of each recall petition form shall be in the
 245 following form:

246 AFFIDAVIT OF CIRCULATOR

247 State of Georgia
 248 County of _____

249 Under the penalty of a violation of Code Section 16-10-71 of the Official Code of
 250 Georgia Annotated, relating to false swearing, punishable by a fine not to exceed
 251 \$1,000.00 or by imprisonment of not less than one nor more than five years, or both, I do
 252 depose and say that I am an elector registered to vote in the recall election herein
 253 petitioned for ~~and~~; that each petitioner signed or caused to be signed the foregoing
 254 petition in my presence on the date indicated, and that each signer gave proof of his or
 255 her identity by exhibiting valid identification documents as provided by law; and I
 256 believe that each signer's name and residence address are correctly stated, and that each
 257 signer is an elector of the electoral district in which such recall election will be
 258 conducted, and that each signer has read, or was read, the required statements which are
 259 also set out on each petition.

260 (Signature of affiant) _____

261 (Residence address) _____

262 (Number and street or route)

263 _____

264 (City)

265 Subscribed and sworn to
 266 before me this _____
 267 day of _____, _____.
 268 _____

269 Notary public
 270 _____, Georgia

271 My commission expires on the _____ day of _____, ____."

272

SECTION 6.

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