

Senate Bill 390

By: Senator McKoon of the 29th

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 revise the dates for primaries and elections and runoffs resulting therefrom; to revise times
3 for qualifying for office; to revise the time for calling certain special elections; to provide
4 definitions; to provide that electors who are eligible to vote by absentee ballot under the
5 federal Uniformed and Overseas Citizens Absentee Voting Act, as amended, shall vote by
6 instant runoff ballot; to provide for related matters; to provide an effective date; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by
11 revising subsections (c), (d), (e), and (i) of Code Section 21-2-132, relating to filing notice
12 of candidacy, nomination petition, and affidavit; payment of qualifying fee; pauper's affidavit
13 and qualifying petition for exemption from qualifying fee; and military service, as follows:

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

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

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

34 (3) Each candidate for a nonpartisan municipal office or a designee shall file a notice of
 35 candidacy in the office of the municipal superintendent of such candidate's municipality
 36 during the municipality's nonpartisan qualifying period. Each municipal superintendent
 37 shall designate the days of such qualifying period, which shall be no less than three days
 38 and no more than five days. The days of the qualifying period shall be consecutive days.
 39 Nonpartisan qualifying periods shall commence no earlier than 8:30 A.M. on the last
 40 Monday in August immediately preceding the general election and shall end no later
 41 than 4:30 P.M. on the following Friday; and, in the case of a special election, the
 42 municipal nonpartisan qualifying period shall commence no earlier than the date of the
 43 call and shall end no later than 25 days prior to the election; and

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

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

56 (1) Each candidate for federal or state office, or his or her agent, desiring to have his or
 57 her name placed on the election ballot shall file a notice of his or her candidacy, giving
 58 his or her name, residence address, and the office he or she is seeking, in the office of the
 59 Secretary of State either during the period beginning at 9:00 A.M. on the fourth Monday
 60 in April ~~of the thirty-fifth week~~ immediately prior to the election and ending at 12:00
 61 Noon on the Friday ~~immediately~~ following the fourth such Monday in April,
 62 notwithstanding the fact that any such days may be legal holidays, or during the period
 63 beginning at 9:00 A.M. on the fourth Monday in June immediately prior to the election

64 and ending at 12:00 Noon on the Friday following the fourth Monday in June,
 65 notwithstanding the fact that any such days may be legal holidays, in the case of a general
 66 election. ~~In the case of a special election to fill a federal office, each candidate shall file~~
 67 ~~a notice of his or her candidacy, giving his or her name, residence address, and the office~~
 68 ~~sought, in the office of the Secretary of State no earlier than the date of the call of the~~
 69 ~~special election and no later than 60 days prior to the special election. In the case of a~~
 70 ~~special election to fill a state office, each candidate shall file a notice of his or her~~
 71 ~~candidacy, giving his or her name, residence address, and the office sought, in the office~~
 72 ~~of the Secretary of State and~~ no earlier than the date of the call of the special election and
 73 no later than 25 days prior to the special election in the case of a special election;

74 (2) Each candidate for a county office, or his or her agent, desiring to have his or her
 75 name placed on the election ballot shall file notice of his or her candidacy in the office
 76 of the superintendent of his or her county either during the period beginning at 9:00 A.M.
 77 on the fourth Monday in April of the thirty-fifth week immediately prior to the election
 78 and ending at 12:00 Noon on the Friday immediately following the fourth such Monday
 79 in April, notwithstanding the fact that any such days may be legal holidays, or during the
 80 period beginning at 9:00 A.M. on the fourth Monday in June immediately prior to the
 81 election and ending at 12:00 Noon on the Friday following the fourth Monday in June,
 82 notwithstanding the fact that any such days may be legal holidays, in the case of a general
 83 election and no earlier than the date of the call of the election and no later than 25 days
 84 prior to the election in the case of a special election;

85 (3) Each candidate for municipal office or a designee shall file a notice of candidacy in
 86 the office of the municipal superintendent of such candidate's municipality during the
 87 municipality's qualifying period. Each municipal superintendent shall designate the days
 88 of the qualifying period, which shall be no less than three days and no more than five
 89 days. The days of the qualifying period shall be consecutive days. Qualifying periods
 90 shall commence no earlier than 8:30 A.M. on the last Monday in August immediately
 91 preceding the general election and shall end no later than 4:30 P.M. on the following
 92 Friday; and, in the case of a special election, the municipal qualifying period shall
 93 commence no earlier than the date of the call and shall end no later than 25 days prior to
 94 the election; and

95 (4)(A) In extraordinary circumstances as described in Code Section 21-2-543.1, each
 96 candidate, or his or her agent, desiring to have his or her name placed on the election
 97 ballot shall file a notice of his or her candidacy, giving his or her name, residence
 98 address, and the office he or she is seeking, with the Office of the Secretary of State no
 99 earlier than the date of the call of the special election and no later than ten days after the
 100 announcement of such extraordinary circumstances.

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

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

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

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

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

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

123 (2) Seeking office in a special election;

124 (3) An incumbent qualifying as a candidate to succeed himself or herself;

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

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

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

134 (1) All candidates seeking election in a nonpartisan election shall file their notice of
 135 candidacy and pay the prescribed qualifying fee by the date prescribed in this paragraph
 136 in order to be eligible to have their names placed on the nonpartisan election ballot by the

137 Secretary of State or election superintendent, as the case may be, in the following
138 manner:

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

146 (B) Each candidate for a county judicial office, a local school board office, or an office
147 of a consolidated government, or the candidate's agent, desiring to have his or her name
148 placed on the nonpartisan election ballot shall file a notice of candidacy in the office
149 of the superintendent at the same time as candidates for party nomination in the general
150 primary as provided in paragraph (1) of subsection (c) of Code Section 21-2-153,
151 notwithstanding the fact that any such days may be legal holidays; and

152 (C) In any case where an incumbent has filed notice of candidacy and paid the
153 prescribed qualifying fee in a nonpartisan election to succeed himself or herself in
154 office but withdraws as a candidate for such office prior to the close of the applicable
155 qualifying period prescribed in this paragraph, qualifying for candidates other than such
156 incumbent shall be reopened at 9:00 A.M. on the Monday next following the close of
157 the preceding qualifying period and shall cease at 5:00 P.M. on the Tuesday
158 immediately following such reopening, notwithstanding the fact that any such days may
159 be legal holidays;

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

164 (A) Each candidate for federal or state office, or his or her agent, desiring to have his
165 or her name placed on the general election ballot shall file a notice of his or her
166 candidacy, giving his or her name, residence address, and the office he or she is
167 seeking, in the office of the Secretary of State either during the period beginning at 9:00
168 A.M. on the Wednesday immediately following the third Monday in May immediately
169 prior to such election and ending at 12:00 Noon on the Friday immediately following
170 the Wednesday immediately following the third Monday in May, notwithstanding the
171 fact that any such days may be legal holidays, or during the period beginning at 9:00
172 A.M. on the last Monday in July immediately prior to the election and ending at 12:00

173 Noon on the Friday following the last Monday in July, notwithstanding the fact that any
 174 such days may be legal holidays; and
 175 (B) Each candidate for a county office, or his or her agent, desiring to have his or her
 176 name placed on the general election ballot shall file notice of his or her candidacy in the
 177 office of the superintendent of his or her county either during the period beginning at
 178 9:00 A.M. on the Wednesday immediately following the third Monday in May
 179 immediately prior to such election and ending at 12:00 Noon on the Friday immediately
 180 following the Wednesday immediately following the third Monday in May,
 181 notwithstanding the fact that any such days may be legal holidays, or during the period
 182 beginning at 9:00 A.M. on the last Monday in July immediately prior to the election and
 183 ending at 12:00 Noon on the Friday following the last Monday in July, notwithstanding
 184 the fact that any such days may be legal holidays; and
 185 (3) Candidates required to file nomination petitions under subsection (e) of this Code
 186 section shall file such petitions not earlier than 9:00 A.M. on the fourth Monday in July
 187 immediately prior to the general election and not later than 12:00 Noon on the first
 188 Monday in August immediately prior to the general election."

189 **SECTION 2.**

190 Said title is further amended by revising Code Section 21-2-150, relating to the date of the
 191 general primary and conflicts with political party conventions, as follows:

192 "21-2-150.

193 (a) Whenever any political party holds a primary to nominate candidates for public offices
 194 to be filled in the ensuing November election, such primary shall be held on the third
 195 Tuesday in July of the twenty-fourth week prior to the November general election in each
 196 even-numbered year or, in the case of municipalities, on the third Tuesday in July in each
 197 odd-numbered year, except as provided in subsection (b) of this Code section.

198 (b)(1) Whenever the primary occurs during the same week of the national convention of
 199 either the political party whose candidates received the highest number of votes or the
 200 political party whose candidates received the next highest number of votes in the last
 201 presidential election, the general primary shall be conducted on the second Tuesday in
 202 July of such year. This paragraph shall not apply unless the date of the convention of the
 203 political party is announced by the political party prior to April 1 of the year in which the
 204 general primary is conducted.

205 (2) For general primaries held in the even-numbered year immediately following the
 206 official release of the United States decennial census data to the states for the purpose of
 207 redistricting of the legislatures and the United States House of Representatives, the
 208 general primary shall be conducted on the last Tuesday in July."

209

SECTION 3.

210 Said title is further amended by revising subsections (c) and (f) of Code Section 21-2-153,
 211 relating to qualification of candidates for party nomination in a state or county primary,
 212 posting of list of all qualified candidates, filing of affidavit with political party by each
 213 qualifying candidate, and performance of military service does not create vacancy, as
 214 follows:

215 "(c)(1)(A) In the case of a general state or county primary, the candidates or their
 216 agents shall commence qualifying at 9:00 A.M. on the fourth Monday in April of the
 217 ~~eleventh week~~ immediately prior to the state or county primary and shall cease
 218 qualifying at 12:00 Noon on the Friday immediately following the fourth such Monday
 219 in April, notwithstanding the fact that any such days may be legal holidays. ~~All~~
 220 qualifying for federal and state offices shall be conducted in the state capitol.

221 (B) ~~Reserved~~ In the case of a general primary held in the even-numbered year
 222 immediately following the official release of the United States decennial census data
 223 to the states for the purpose of redistricting of the legislatures and the United States
 224 House of Representatives:

225 (i) The candidates or their agents for political party nomination to county offices shall
 226 commence qualifying at 9:00 A.M. on the Wednesday immediately following the
 227 third Monday in May immediately prior to such primary and shall cease qualifying
 228 at 12:00 Noon on the Friday immediately following the Wednesday immediately
 229 following the third Monday in May, notwithstanding the fact that any such days may
 230 be legal holidays; and

231 (ii) Candidates for political party nomination to federal and state offices in a general
 232 primary shall commence qualifying at 9:00 A.M. on the Wednesday immediately
 233 following the third Monday in May immediately prior to such primary and shall cease
 234 qualifying at 12:00 Noon on the Friday immediately following the Wednesday
 235 immediately following the third Monday in May, notwithstanding the fact that any
 236 such days may be legal holidays, and shall qualify in person or by their agents with
 237 their respective political party in the state capitol under such rules and regulations as
 238 the Secretary of State may promulgate. All qualifying for federal and state offices on
 239 the last day of the qualifying period shall be conducted in the chamber of the House
 240 of Representatives in the state capitol.

241 (C) In the case of a special primary for a federal office, the candidate shall qualify no
 242 earlier than the date of the call for the special primary and no later than 25 ~~60~~ days
 243 immediately prior to the date of such special primary, and such qualifying period shall
 244 be open for a minimum of two and one-half days. ~~In the case of a special primary for~~
 245 any other office, the candidate shall qualify no earlier than the date of the call for the

246 ~~special primary and no later than 25 days immediately prior to the date of such special~~
 247 ~~primary, and such qualifying period shall be open for a minimum of two and one-half~~
 248 ~~days.~~

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

256 (2) If a political party has not designated at least 14 days immediately prior to the
 257 beginning of qualifying a party official in a county with whom the candidates of such
 258 party for county elective offices shall qualify, the election superintendent of the county
 259 shall qualify candidates on behalf of such party. The election superintendent shall give
 260 notice in the legal organ of the county at least three days before the beginning of
 261 qualifying giving the dates, times, and location for qualifying candidates on behalf of
 262 such political party."

263 "(f) Candidates for the office of presidential elector or their agents who have been
 264 nominated in accordance with the rules of a political party shall qualify beginning at
 265 9:00 A.M. on the fourth Monday in April ~~of the thirty-fifth week prior to the November~~
 266 ~~general election~~ in the year in which a presidential election shall be held and shall cease
 267 qualifying at 12:00 Noon on the Friday immediately following the fourth such Monday in
 268 April, notwithstanding the fact that any such days may be legal holidays; provided,
 269 however, that, for presidential elections held in the even-numbered year immediately
 270 following the official release of the United States decennial census data to the states for the
 271 purpose of redistricting of the legislatures and the United States House of Representatives,
 272 candidates for the office of presidential elector who have been nominated in accordance
 273 with the rules of a political party shall commence qualifying beginning at 9:00 A.M. on the
 274 Wednesday immediately following the third Monday in May immediately prior to such
 275 election and shall cease qualifying at 12:00 Noon on the Friday immediately following the
 276 Wednesday immediately following the third Monday in May, notwithstanding the fact that
 277 any such days may be legal holidays, and shall qualify in person or by their agents with
 278 their respective political party in the state capitol under such rules and regulations as the
 279 Secretary of State may promulgate. ~~All qualifying for the office of presidential elector~~
 280 ~~shall be conducted in the state capitol."~~

281 **SECTION 4.**

282 Said title is further amended by revising subsection (e) of Code Section 21-2-172, relating
 283 to nomination of presidential electors and candidates of political bodies by convention, as
 284 follows:

285 "(e) A convention for the purpose of nominating candidates shall be held at least 150 days
 286 prior to the date on which the general election is conducted; provided, however, that, in the
 287 case of a general election held in the even-numbered year immediately following the
 288 official release of the United States decennial census data to the states for the purpose of
 289 redistricting of the legislatures and the United States House of Representatives, the
 290 convention shall be held at least 120 days prior to the date on which the general election
 291 is conducted."

292 **SECTION 5.**

293 Said title is further amended by revising Code Section 21-2-187, relating to holding of
 294 conventions by political bodies and filing notice of candidacy, as follows:

295 "21-2-187.

296 Political bodies shall hold their conventions in accordance with Code Section 21-2-172,
 297 and candidates nominated for state-wide public office in convention shall file a notice of
 298 candidacy no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the
 299 election and no later than 12:00 Noon on the Friday following the fourth Monday in June
 300 as prescribed in Code Section 21-2-132; provided, however, that the political body must
 301 file its qualifying petition no later than 12:00 Noon on the second Tuesday in July
 302 following the convention as prescribed in Code Section 21-2-172 in order to qualify its
 303 candidates to be listed on the general election ballot; provided, further, that, for general
 304 elections held in the even-numbered year immediately following the official release of the
 305 United States decennial census data to the states for the purpose of redistricting of the
 306 legislatures and the United States House of Representatives, candidates nominated for
 307 state-wide public office shall file a notice of candidacy no earlier than 9:00 A.M. on the last
 308 Monday in July immediately prior to the election and no later than 12:00 Noon on the
 309 Friday following the last Monday in July as prescribed in Code Section 21-2-132;
 310 provided, further, that the political body must file its qualifying petition no later than 12:00
 311 Noon on the first Monday in August following the convention as prescribed in Code
 312 Section 21-2-172 in order to qualify its candidates to be listed on the general election
 313 ballot."

314 **SECTION 6.**

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

316 "21-2-381.1.

317 (a) As used in this Code section, the term 'instant runoff ballot' means a ballot in which an
 318 elector ranks the candidates in a race in the order of the elector's preference and 'instant
 319 runoff voting' means a preferential voting system in which electors rank the candidates in
 320 order of preference rather than voting for a single candidate and in which, in the event that
 321 there is a runoff in a race, the elector's highest preferred candidate who is in the runoff shall
 322 receive the elector's vote in such runoff.

323 (b) A qualified absentee elector, as defined in Code Section 21-2-380, in general, special,
 324 primary, and run-off elections, who is entitled to vote by absentee ballot under the federal
 325 Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq.,
 326 as amended, and makes a timely application for an absentee ballot shall vote through an
 327 instant runoff ballot.

328 (c) The Secretary of State shall develop and promulgate rules and regulations for the use
 329 of instant runoff voting by such electors."

330 **SECTION 7.**

331 Said title is further amended by revising subsection (d) of Code Section 21-2-385, relating
 332 to procedure for voting by absentee ballot and advance voting, as follows:

333 "(d)(1) There shall be a period of advance voting that shall commence:

334 ~~(A) On~~ on the fourth Monday immediately prior to each primary or election;

335 ~~(B) On the fourth Monday immediately prior to a runoff from a general primary;~~

336 ~~(C) On the fourth Monday immediately prior to a runoff from a general election in~~
 337 ~~which there are candidates for a federal office on the ballot in the runoff; and~~

338 ~~(D) As~~ as soon as possible prior to a runoff from any other general election in which
 339 ~~there are only state or county candidates on the ballot in the runoff~~ and shall end on the
 340 Friday immediately prior to each primary, election, or runoff. Voting shall be

341 conducted during normal business hours on weekdays during such period and shall be

342 conducted on the second Saturday prior to a primary or election during the hours of

343 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections in

344 which there are no federal or state candidates on the ballot, no Saturday voting hours

345 shall be required. Except as otherwise provided in this paragraph, counties and

346 municipalities may extend the hours for voting beyond regular business hours and may

347 provide for additional voting locations pursuant to Code Section 21-2-382 to suit the

348 needs of the electors of the jurisdiction at their option."

349

SECTION 8.

350 Said title is further amended by revising subsection (a) of Code Section 21-2-501, relating
 351 to number of votes required for election, as follows:

352 ~~“(a)(1)~~ Except as otherwise provided in this Code section, no candidate shall be
 353 nominated for public office in any primary or special primary or elected to public office
 354 in any election or special election unless such candidate shall have received a majority
 355 of the votes cast to fill such nomination or public office. In instances where no candidate
 356 receives a majority of the votes cast, a run-off primary, special primary runoff, run-off
 357 election, or special election runoff between the candidates receiving the two highest
 358 numbers of votes shall be held. Unless such date is postponed by a court order, such
 359 run-off primary, or special primary runoff, run-off election, or special election runoff
 360 shall be held on the twenty-first day after the day of holding the preceding primary or
 361 special primary, provided that, unless postponed by court order, a runoff in the case of
 362 an election or special election shall be held on the twenty-eighth day after the day of
 363 holding the preceding election or special election; provided, however, that, in the event
 364 that a special election is held at the time of a general primary, any special election runoff
 365 shall be held at the time of the general primary runoff as provided in this subsection.

366 ~~(2) In the case of a runoff from a general primary or a special primary or special election~~
 367 ~~held in conjunction with a general primary, the runoff shall be held on the Tuesday of the~~
 368 ~~ninth week following such general primary.~~

369 ~~(3) In the case of a runoff from a general election for a federal office or a runoff from a~~
 370 ~~special primary or special election for a federal office held in conjunction with a general~~
 371 ~~election, the runoff shall be held on the Tuesday of the ninth week following such general~~
 372 ~~election.~~

373 ~~(4) In the case of a runoff from a general election for an office other than a federal office~~
 374 ~~or a runoff from a special primary or special election for an office other than a federal~~
 375 ~~office held in conjunction with a general election, the runoff shall be held on the~~
 376 ~~twenty-eighth day after the day of holding the preceding general election.~~

377 ~~(5) In the case of a runoff from a special primary or special election for a federal office~~
 378 ~~not held in conjunction with a general primary or general election, the runoff shall be held~~
 379 ~~on the Tuesday of the ninth week following such special primary or special election.~~

380 ~~(6) In the case of a runoff from a special primary or special election for an office other~~
 381 ~~than a federal office not held in conjunction with a general primary or general election,~~
 382 ~~the runoff shall be held on the twenty-eighth day after the day of holding the preceding~~
 383 ~~special primary or special election.~~

384 (7) If any candidate eligible to be in a runoff withdraws, dies, or is found to be ineligible,
 385 the remaining candidates receiving the two highest numbers of votes shall be the
 386 candidates in the runoff.

387 (8) The candidate receiving the highest number of the votes cast in such run-off primary,
 388 special primary runoff, run-off election, or special election runoff to fill the nomination
 389 or public office sought shall be declared the winner.

390 (9) The name of a write-in candidate eligible for election in a runoff shall be printed on
 391 the election or special election run-off ballot in the independent column.

392 (10) The run-off primary, special primary runoff, run-off election, or special election
 393 runoff shall be a continuation of the primary, special primary, election, or special election
 394 for the particular office concerned. Only the electors who were duly registered to vote
 395 and not subsequently deemed disqualified to vote in the primary, special primary,
 396 election, or special election for candidates for that particular office shall be entitled to
 397 vote therein, and only those votes cast for the persons designated as candidates in such
 398 run-off primary, special primary runoff, run-off election, or special election runoff shall
 399 be counted in the tabulation and canvass of the votes cast. No elector shall vote in a
 400 run-off primary or special primary runoff in violation of Code Section 21-2-224."

401 **SECTION 9.**

402 Said title is further amended by revising subsection (b) of Code Section 21-2-540, relating
 403 to conduct of special elections generally, as follows:

404 "(b) At least 29 days shall intervene between the call of a special primary and the holding
 405 of same, and at least 29 days shall intervene between the call of a special election and the
 406 holding of same. The period during which candidates may qualify to run in a special
 407 primary or a special election shall remain open for a minimum of two and one-half days.
 408 Special elections which are to be held in conjunction with the presidential preference
 409 primary, a state-wide general primary, or state-wide general election shall be called at least
 410 90 days prior to the date of such presidential preference primary, state-wide general
 411 primary, or state-wide general election; provided, however, that this requirement shall not
 412 apply to special elections held on the same date as such presidential preference primary,
 413 state-wide general primary, or state-wide general election but conducted completely
 414 separate and apart from such state-wide general primary or state-wide general election
 415 using different ballots or voting equipment, facilities, poll workers, and paperwork.
 416 ~~Notwithstanding any provision of this subsection to the contrary, special elections which~~
 417 ~~are to be held in conjunction with the state-wide general primary or state-wide general~~
 418 ~~election in 2014 shall be called at least 60 days prior to the date of such state-wide general~~
 419 ~~primary or state-wide general election."~~

420 **SECTION 10.**

421 This Act shall become effective on February 1, 2015.

422 **SECTION 11.**

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