

Senate Bill 102

By: Senators McKoon of the 29th, Gooch of the 51st, Thompson of the 5th, Millar of the 40th, Martin of the 9th and others

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 run-off ballot; to provide for related matters; to provide for 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 ~~of the eleventh week~~  
24 in April immediately prior to the election and no later than 12:00 Noon on the Friday  
25 ~~immediately following such~~ the fourth Monday in April, notwithstanding the fact that any  
26 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 ~~of the eleventh week in~~  
 31 April immediately prior to the election and no later than 12:00 Noon on the Friday  
 32 ~~immediately~~ following ~~such~~ the fourth 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 ~~of the thirty-fifth week in April~~ immediately prior to the election and ending at 12:00  
 61 Noon on the Friday ~~immediately~~ following ~~such~~ the fourth 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 ~~of the thirty-fifth week in April~~ immediately prior to the election  
 78 and ending at 12:00 Noon on the Friday immediately following ~~such the~~ fourth 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 the  
132 legislatures and the United States House of Representatives, candidates in such elections  
133 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 desiring to have his or her name placed on the  
141 nonpartisan election ballot shall file, or have his or her agent file, a notice of candidacy,  
142 giving such candidate's name, residence address, and the office sought, in the office of  
143 the 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 desiring to have his or her name placed on the  
148 nonpartisan election ballot shall file, or have his or her agent file, a notice of candidacy  
149 in the office of the superintendent at the same time as candidates for party nomination  
150 in the general primary as provided in paragraph (1) of subsection (c) of Code Section  
151 21-2-153, 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 desiring to have his or her name placed  
165 on the general election ballot shall file, or have his or her agent file, a notice of his or  
166 her candidacy, giving such candidate's name, residence address, and the office he or she  
167 is seeking, in the office of the Secretary of State either during the period beginning at  
168 9:00 A.M. on the Wednesday immediately following the third Monday in May  
169 immediately prior to such election and ending at 12:00 Noon on the Friday immediately  
170 following the Wednesday immediately following the third Monday in May,  
171 notwithstanding the fact that any such days may be legal holidays, or during the period  
172 beginning at 9:00 A.M. on the last Monday in July immediately prior to the election and

173 ending at 12:00 Noon on the Friday following the last Monday in July, notwithstanding  
 174 the fact that any such days may be legal holidays; and  
 175 (B) Each candidate for a county office desiring to have his or her name placed on the  
 176 general election ballot shall file, or have his or her agent file, a notice of candidacy in  
 177 the office of the superintendent of his or her county either during the period beginning  
 178 at 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 of the ~~twenty-fourth~~ week prior to the November general election in July 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 the legislatures and the United States House of Representatives, the general  
 208 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 ~~of the eleventh~~  
 217 ~~week in April~~ immediately prior to the state or county primary and shall cease  
 218 qualifying at 12:00 Noon on the Friday ~~immediately~~ following ~~such~~ the fourth 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 the legislatures and the United States House  
 224 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 ~~60~~ 25 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 of the ~~thirty-fifth~~ week prior to the ~~November general~~  
 266 ~~election in April~~ 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 ~~such the fourth~~ 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 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 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 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; and  
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 repealing in its entirety Code Section 21-2-381.1, relating  
 316 to absentee voting procedures for certain qualified electors, and enacting a new Code Section  
 317 21-2-381.1 to read as follows:

318 "21-2-381.1.

319 (a) As used in this Code section, the term:

320 (1) 'Instant run-off ballot' means a ballot in which an elector ranks the candidates in a  
 321 race in the order of the elector's preference.

322 (2) 'Instant run-off voting' means a preferential voting system in which electors rank the  
 323 candidates in order of preference rather than voting for a single candidate and in which,  
 324 in the event that there is a runoff in a race, the elector's highest preferred candidate who  
 325 is in the runoff shall receive the elector's vote in such runoff.

326 (b) A qualified absentee elector, as defined in Code Section 21-2-380, who is entitled to  
 327 vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee  
 328 Voting Act, 52 U.S.C. Section 20301, et seq., as amended, and who makes a timely  
 329 application for an absentee ballot shall vote in general, special, primary, and run-off  
 330 elections through an instant run-off ballot.

331 (c) The Secretary of State shall develop and promulgate rules and regulations for the use  
 332 of instant run-off voting by such electors."

333 **SECTION 7.**

334 Said title is further amended by revising paragraph (1) of subsection (d) of Code Section  
 335 21-2-385, relating to procedure for voting by absentee ballot and advance voting, as follows:

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

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

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

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

341 ~~(D) As as~~ as soon as possible prior to a runoff from any other general election in which  
 342 there are only state or county candidates on the ballot in the runoff and shall end on the

343 Friday immediately prior to each primary, election, or runoff. Voting shall be

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

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

346 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections in

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

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

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

350 provide for additional voting locations pursuant to Code Section 21-2-382 to suit the  
351 needs of the electors of the jurisdiction at their option."

352 **SECTION 8.**

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

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

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

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

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

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

383 ~~(6) In the case of a runoff from a special primary or special election for an office other~~  
384 ~~than a federal office not held in conjunction with a general primary or general election,~~

385 ~~the runoff shall be held on the twenty-eighth day after the day of holding the preceding~~  
 386 ~~special primary or special election.~~

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

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

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

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

404 **SECTION 9.**

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

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

421 ~~election in 2014 shall be called at least 60 days prior to the date of such state-wide general~~  
422 ~~primary or state-wide general election."~~

423 **SECTION 10.**

424 This Act shall become effective on February 1, 2016.

425 **SECTION 11.**

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