

The House Committee on Governmental Affairs offers the following substitute to SB 127:

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 advance voting times and dates; to provide that no person shall be eligible for or shall
3 qualify for party nomination for or election to public office if such person or such person's
4 campaign committee from a previous primary or election has certain outstanding late fees,
5 fines, or penalties under the Ethics in Government Act; to provide for exceptions; to provide
6 definitions; to provide for waivers of certain civil penalties and fees incurred by candidates
7 for local elected office; to provide for exceptions; to provide for refunds of certain civil
8 penalties and fees; to provide for an exception from contribution limitations for contributions
9 or expenditures made by a party caucus of the House of Representatives or the Senate in
10 support of a party ticket or a group of named candidates; to provide for related matters; to
11 provide an effective date; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

14 Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections, is
15 amended by revising subsection (d) of Code Section 21-2-385, relating to procedure for
16 voting by absentee ballot and advance voting, as follows:

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

18 ~~(A) On the fourth~~ on the third Monday immediately prior to each primary, or election,
19 or runoff from a primary or election;

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

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

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

25 and shall end on the Friday immediately prior to each primary, election, or runoff.

26 Voting shall be conducted during normal business hours on weekdays during such period

27 and shall be conducted on the second Saturday prior to a primary, ~~or election, or runoff~~
 28 during the hours of 9:00 A.M. through 4:00 P.M.; ~~provided, however, that in primaries~~
 29 ~~and elections in which there are no federal or state candidates on the ballot, no Saturday~~
 30 ~~voting hours shall be required~~ Counties and municipalities shall choose to either conduct
 31 voting on the second Sunday prior to such primary, election, or runoff between the hours
 32 of 12:00 Noon through 4:00 P.M. or on the third Saturday prior to such primary, election,
 33 or runoff between the hours of 9:00 A.M. and 1:00 P.M., but not both. Except as
 34 otherwise provided in this paragraph, counties and municipalities may extend the hours
 35 for voting beyond regular business hours on weekdays and may provide for additional
 36 voting locations pursuant to Code Section 21-2-382 to suit the needs of the electors of the
 37 jurisdiction at their option; provided, however, that advance voting hours on Saturdays
 38 and Sundays shall not be extended. Notwithstanding any provision of this subsection to
 39 the contrary, for runoffs from primaries or elections for which there are only state or
 40 county candidates on the ballot in the runoff, advance voting shall begin as soon as
 41 possible and practicable following such primary or election.

42 (2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice
 43 prior to the beginning of the absentee voting period specified in Code Section 21-2-384
 44 and during the absentee voting period to the electors of their jurisdiction of the
 45 availability of advance voting as well as the times, dates, and locations at which advance
 46 voting will be conducted. In addition, the registrars or absentee ballot clerk shall notify
 47 the Secretary of State in the manner prescribed by the Secretary of State of the times,
 48 dates, and locations at which advance voting will be conducted prior to the beginning of
 49 the absentee voting period specified in Code Section 21-2-384."

50 SECTION 2.

51 Said title is further amended in Code Section 21-2-8, relating to eligibility for party
 52 nomination, public office, or performance of certain official acts of persons convicted and
 53 sentenced for certain crimes, illegally holding any public funds, and effect of disqualification
 54 of superintendent, by designating the existing text as subsection (a) and adding a new
 55 subsection to read as follows:

56 "(b) No person shall be eligible for or shall qualify for party nomination for or election to
 57 public office if such person or such person's campaign committee from any previous
 58 primary or election has outstanding late fees, fines, or penalties pursuant to paragraph (14)
 59 of subsection (b) of Code Section 21-5-6, Code Section 21-5-7.1, or subsection (k) of Code
 60 Section 21-5-34; provided, however, that, if such person or person's campaign committee
 61 has a pending request for a waiver under Code Section 21-5-7.2 or if such waiver or any

62 late fee, fine, or penalty has been appealed and such appeal is pending, such person shall
 63 be permitted to qualify."

64 **SECTION 3.**

65 Said title is further amended in Code Section 21-5-3, relating to definitions, by revising
 66 paragraph (12) and adding new paragraphs (5.1), (10.1), and (12.1) to read as follows:

67 "(5.1) 'Communication' means:

68 (A) A paid advertisement broadcast over radio, television, cable, or satellite;

69 (B) A paid placement of content on the Internet or other electronic communication
 70 networks;

71 (C) A paid advertisement published in a periodical or on a billboard;

72 (D) Paid telephone communications that are directed to 100 or more households;

73 (E) Mailings that are sent or distributed to 100 or more households; or

74 (F) Printed materials that exceed 1,000 copies."

75 "(10.1) 'Election targeted issue advocacy' means any communication other than express
 76 election advocacy made within 180 days of an election that:

77 (A) Refers to one or more clearly identified candidates in such election;

78 (B) Depicts the name, image, likeness, or voice of one or more clearly identified
 79 candidates in such election;

80 (C) Refers to a political party or body having candidates on the ballot at such election;

81 or

82 (D) Refers to a constitutional amendment, referendum, or other question being
 83 submitted to the voters in such election."

84 "(12) 'Expenditure' means a purchase, payment, distribution, loan, advance, deposit, or
 85 any transfer of money or anything of value made for the purpose of influencing the
 86 nomination for election or election of any person, bringing about the recall of a public
 87 officer holding elective office or opposing the recall of a public officer holding elective
 88 office, or the influencing of voter approval or rejection of a proposed constitutional
 89 amendment, a state-wide referendum, or a proposed question which is to appear on the
 90 ballot in this state or in a county or a municipal election in this state. The term
 91 specifically shall not include the value of personal services performed by persons who
 92 serve without compensation from any source and on a voluntary basis. The term
 93 'expenditure' shall also include the payment of a qualifying fee for and on behalf of a
 94 candidate. The term shall include the purchase of or payment for communications for
 95 express election advocacy and election targeted issue advocacy.

96 (12.1) 'Express election advocacy' means any communication made at any time that:

97 (A) Contains express words, such as 'vote,' 'oppose,' 'support,' 'elect,' 'defeat,' or 'reject,'
 98 which call for the nomination, election, or defeat of one or more clearly identified
 99 candidates, the election or defeat of one or more political parties or bodies, or the
 100 passage or defeat of one or more constitutional amendments, referenda, or other
 101 questions submitted to the voters in any election; or
 102 (B) Otherwise refers to or depicts one or more clearly identified candidates, political
 103 parties or bodies, or constitutional amendments, referenda, or other questions submitted
 104 to the voters in a manner that is susceptible to no reasonable interpretation other than
 105 as a call for the nomination, election, or defeat of such candidates in an election, the
 106 election or defeat of such political parties or bodies, or the passage or defeat of
 107 constitutional amendments, referenda, or other questions submitted to the voters in any
 108 election."

109 SECTION 4.

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

111 "21-5-7.2.

112 (a) Upon written request of a candidate or in a response by the candidate to any
 113 notification from the commission alleging noncompliance with the provisions of this
 114 chapter for filings required between January 1, 2010, and January 10, 2014, the
 115 commission shall be authorized to waive late fees, fines, and civil penalties incurred by
 116 candidates for public office for those offices defined in subparagraphs (F) and (G) of
 117 paragraph (22) of Code Section 21-5-3 regarding the late, incomplete, or nonfiling of
 118 campaign disclosure reports and personal financial disclosure reports. Such request or
 119 response shall be filed not later than December 31, 2015.

120 (b) For candidates who paid late fees, fines, or civil penalties between January 1, 2014,
 121 and the effective date of this Code section based upon alleged noncompliance with the
 122 provisions of this chapter for filings required between January 1, 2010, and January 10,
 123 2014, such candidates may make a written request to the commission for a waiver under
 124 this Code section, and, if granted, the commission may refund such late fees, fines, and
 125 civil penalties to the candidate and shall expunge all of the alleged violations which were
 126 the basis of such late fees, fines, or civil penalties from the candidate's records. Such
 127 request shall be filed not later than December 31, 2015.

128 (c) With regard to filings which were required under this chapter during the period
 129 between January 1, 2010, and January 10, 2014, there shall be a rebuttable presumption
 130 that all candidates for a public office for those offices defined in subparagraphs (F) and (G)
 131 of paragraph (22) of Code Section 21-5-3 timely filed or attempted to file the required
 132 reports but were unable to do so as a result of the problems with the commission's

133 computer system during such time period. Such rebuttable presumption may be overcome
134 by proof that such candidate knowingly and willfully refused to file the required report
135 during such period.

136 (d) The commission shall approve or deny each request for waiver within 12 months after
137 receipt of the request by the commission. If such request for a waiver is denied, the
138 candidate may, within 30 days following the candidate's receipt of notice of the denial,
139 demand a hearing on such request for a waiver before the Office of State Administrative
140 Hearings.

141 (e) In the event that the commission grants a waiver under this Code section and within
142 two years following the effective date of this Code section discovers evidence that the
143 person to whom such waiver was granted was guilty of knowingly and willfully refusing
144 to file the report or reports for which such waiver was granted, the commission may revoke
145 such waiver, reimpose all such late fees, fines, and penalties, and take such further actions
146 as the commission is authorized to do as if such waiver had never been granted."

147 **SECTION 5.**

148 Said title is further amended in Code Section 21-5-41, relating to maximum allowable
149 contributions, by revising subsection (j) as follows:

150 "(j) The contribution limitations provided for in this Code section shall not include
151 contributions or expenditures made by a political party or party caucus of the House of
152 Representatives or the Senate in support of a party ticket or a group of named candidates."

153 **SECTION 6.**

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

156 **SECTION 7.**

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