

COMMITTEES OF CONFERENCE SUBSTITUTE TO SB 199

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 a definition; to revise the qualifying times for municipal elections; to provide for the
 3 reopening of qualifications in municipal elections under certain conditions; to revise the
 4 period of time for advance voting with regard to Saturday voting; to prohibit certain activities
 5 within close proximity to polling places; to change certain provisions relating to punishment
 6 for ethics violations; to change certain provisions relating to disclosure reports relative to
 7 campaign contributions; to change certain provisions relating to filing of financial disclosure
 8 statements by public officers, filing by candidates for public office, filing by elected officials
 9 and members of the General Assembly, electronic filing, and transfer of filings from the
 10 Secretary of State to the Georgia Government Transparency and Campaign Finance
 11 Commission; to change certain provisions relating to definitions relative to public officials'
 12 conduct and lobbyist disclosure; to change certain provisions relating to registration required
 13 for lobbyists, application for registration, supplemental registration, expiration, docket, fees,
 14 identification cards, public rosters, and exemptions; to amend Code Section 45-2-1 of the
 15 Official Code of Georgia Annotated, relating to persons ineligible to hold office, vacation
 16 of office, and validity of acts performed while in office, so as to authorize counties and
 17 municipalities to provide by local law for district durational residency requirements; to
 18 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
 19 other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

21 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended in Code
 22 Section 21-2-2, relating to definitions, by adding a new paragraph to read as follows:

23 “(3.1) 'Campaign material' means any newspaper, booklet, pamphlet, card, sign,
 24 paraphernalia, or any other written or printed matter referring to:

25 (A) A candidate whose name appears on the ballot in a primary or election;
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27 (B) A referendum which appears on the ballot in a primary or election; or

28 (C) A political party or body which has a nominee or nominees on the ballot in a
 29 primary or election.

30 Campaign material shall not include any written or printed matter that is used exclusively
 31 for the personal and private reference of an individual elector during the course of
 32 voting."

33 SECTION 2.

34 Said title is further amended by revising paragraph (3) of subsection (c) of Code Section
 35 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit; payment
 36 of qualifying fee; pauper's affidavit and qualifying petition for exemption from qualifying
 37 fee; and military service, as follows:

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

48 (B) In any case in which no individual has filed a notice of candidacy and paid the
 49 prescribed qualifying fee to fill a particular office in a nonpartisan municipal election,
 50 the governing authority of the municipality shall be authorized to reopen qualifying for
 51 candidates at 9:00 A.M. on the Monday next following the close of the preceding
 52 qualifying period and cease such qualifying at 5:00 P.M. on the Tuesday immediately
 53 following such Monday, notwithstanding the fact that such days may be legal holidays;
 54 and"

55 SECTION 3.

56 Said title is further amended by revising paragraph (3) of subsection (d) of Code Section
 57 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit; payment
 58 of qualifying fee; pauper's affidavit and qualifying petition for exemption from qualifying
 59 fee; and military service, as follows:

60 "(3) Each candidate for municipal office or a designee shall file a notice of candidacy in
 61 the office of the municipal superintendent of such candidate's municipality during the

62 municipality's qualifying period. Each municipal superintendent shall designate the days
 63 of the qualifying period, which shall be no less than three days and no more than five
 64 days. The days of the qualifying period shall be consecutive days. Qualifying periods
 65 shall commence no earlier than 8:30 A.M. on the ~~last~~ third Monday in August
 66 immediately preceding the general election and shall end no later than 4:30 P.M. on the
 67 following Friday; and, in the case of a special election, the municipal qualifying period
 68 shall commence no earlier than the date of the call and shall end no later than 25 days
 69 prior to the election; and"

70 **SECTION 4.**

71 Said title is further amended in Code Section 21-2-385 of the Official Code of Georgia
 72 Annotated, relating to procedure for voting by absentee ballot and advance voting, by
 73 revising paragraph (1) of subsection (d) as follows:

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

- 75 (A) On the fourth Monday immediately prior to each primary or election;
- 76 (B) On the fourth Monday immediately prior to a runoff from a general primary;
- 77 (C) On the fourth Monday immediately prior to a runoff from a general election in
 78 which there are candidates for a federal office on the ballot in the runoff; and
- 79 (D) As soon as possible prior to a runoff from any other general election in which there
 80 are only state or county candidates on the ballot in the runoff

81 and shall end on the Friday immediately prior to each primary, election, or runoff.
 82 Voting shall be conducted during normal business hours on weekdays during such period
 83 and shall be conducted on the second Saturday prior to a primary or election during the
 84 hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections
 85 in which there are no federal or state candidates on the ballot, no Saturday voting hours
 86 shall be required; and provided, further, that, if such second Saturday is a public and legal
 87 holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and
 88 legal holiday occurring on the Thursday or Friday immediately preceding such second
 89 Saturday, or if such second Saturday immediately precedes a public and legal holiday
 90 occurring on the following Sunday or Monday, such advance voting shall not be held on
 91 such second Saturday but shall be held on the third Saturday prior to such primary,
 92 election, or runoff. Except as otherwise provided in this paragraph, counties and
 93 municipalities may extend the hours for voting beyond regular business hours and may
 94 provide for additional voting locations pursuant to Code Section 21-2-382 to suit the
 95 needs of the electors of the jurisdiction at their option."

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SECTION 5.

Said title is further amended by revising subsection (a) of Code Section 21-2-414, relating to restrictions on campaign activities and public opinion polling within the vicinity of a polling place, cellular phone use prohibited, prohibition of candidates from entering certain polling places, and penalty, as follows:

"(a) No person shall solicit votes in any manner or by any means or method, nor shall any person distribute or display any campaign ~~literature, newspaper, booklet, pamphlet, card, sign, paraphernalia, or any other written or printed matter of any kind~~ material, nor shall any person solicit signatures for any petition or conduct any exit poll or public opinion poll with voters on any day in which ballots are being cast:

- (1) Within 150 feet of the outer edge of any building within which a polling place is established;
- (2) Within any polling place; or
- (3) Within 25 feet of any voter standing in line to vote at any polling place.

These restrictions shall not apply to conduct occurring in private offices or areas which cannot be seen or heard by such electors."

SECTION 6.

Said title is further amended by revising Code Section 21-5-9 of the Official Code of Georgia Annotated, relating to penalties for violation of provisions of Chapter 5 of said title, as follows:

"21-5-9.

Except as otherwise provided in this chapter, any person who knowingly fails to comply with or who knowingly violates this chapter shall be guilty of a misdemeanor. The provisions of this Code section shall not preclude prosecution and punishment for the commission of any felony offense as otherwise provided by law."

SECTION 7.

Said title is further amended by revising paragraph (2) of subsection (d.1) of Code Section 21-5-34, relating to disclosure reports relative to campaign contributions, as follows:

"(2) If such candidate or campaign committee exceeds the \$2,500.00 limit for either accepting contributions or making expenditures for such campaign during such election cycle as specified in paragraph (1) of this subsection but does not accept a combined total of contributions exceeding \$5,000.00 in such election cycle nor make expenditures exceeding \$5,000.00 in such election cycle, then such candidate or campaign committee shall be required to file only the June 30 and ~~October 25~~ December 31 reports required by paragraph (2) of subsection (c) of this Code section. The first such report shall include

131 all contributions received and expenditures made beginning January 1 of such calendar
132 year."

133 **SECTION 8.**

134 Said title is further amended by revising paragraph (8) of subsection (b) of Code Section
135 21-5-50, relating to filing of financial disclosure statements by public officers, filing by
136 candidates for public office, filing by elected officials and members of the General
137 Assembly, electronic filing, and transfer of filings from the Secretary of State to the Georgia
138 Government Transparency and Campaign Finance Commission, as follows:

139 "(8)(A) As used in this paragraph, the term 'agency' has the meaning provided by Code
140 Section 45-10-20.

141 (B) All annual payments in excess of \$10,000.00 received by the filer or any business
142 entity identified in paragraph (3) of this subsection from the state, any agency,
143 department, commission, or authority created by the state, and authorized and exempted
144 from disclosure under Code Section 45-10-25, and the agency, department,
145 commission, or authority making the payments, and the general nature of the
146 consideration rendered for the source of the payments. This paragraph shall not require
147 the disclosure of payments which have already been disclosed for purposes of any other
148 provision of this chapter."

149 **SECTION 9.**

150 Said title is further amended by revising subparagraph (G) of paragraph (4.1) of Code
151 Section 21-5-70, relating to definitions relative to public officials' conduct and lobbyist
152 disclosure, as follows:

153 "(G) Anything which:

154 (i) Does not qualify as a lobbying expenditure under subparagraphs (A) through (F)
155 of this paragraph; and

156 (ii) Would qualify as an expenditure under subparagraph (B.1) of paragraph (1) of
157 this Code section except that it does not exceed an amount or value of \$75.00 per
158 person."

159 **SECTION 10.**

160 Said title is further amended by revising subparagraph (F) of paragraph (5) of Code Section
161 21-5-70, relating to definitions relative to public officials' conduct and lobbyist disclosure,
162 as follows:

163 "(F) Any natural person who as an employee of the executive branch or judicial branch
 164 of local government engages in any activity covered under subparagraph (D) of this
 165 paragraph;"

166 **SECTION 11.**

167 Said title is further amended in Code Section 21-5-71, relating to registration required for
 168 lobbyists, application for registration, supplemental registration, expiration, docket, fees,
 169 identification cards, public rosters, and exemptions, by adding a new paragraph in subsection
 170 (i) to read as follows:

171 "(6.1) Any employee of the executive or judicial branch of state government; provided,
 172 however, that when such an employee is acting on behalf of such government employer,
 173 meeting with or appearing before a public officer other than one from the same branch
 174 of government which employs such employee, and engaged in activity for which
 175 registration would otherwise be required under this Code section, such employee shall
 176 be required to display an identification card, issued by such employer, which shall have
 177 printed thereon the employee's name and the name of the employer;"

178 **SECTION 12.**

179 Code Section 45-2-1 of the Official Code of Georgia Annotated, relating to persons ineligible
 180 to hold office, vacation of office, and validity of acts performed while in office, is amended
 181 by revising paragraph (1) as follows:

182 "(1) Persons who are not citizens of this state and persons under the age of 21 years;
 183 provided, however, that upon passage of appropriate local ordinances, citizens of this
 184 state who are otherwise qualified and who have attained 18 years of age shall be eligible
 185 to hold any county or municipal office, except such offices of a judicial nature. The
 186 residency requirement for a candidate for any county office, except offices of a judicial
 187 nature, shall be 12 months residency within the county. The residency requirement for
 188 a candidate for any municipal office, except offices of a judicial nature, shall be 12
 189 months residency within the municipality; provided, however, that municipalities may
 190 by charter provide for lesser residency requirements for candidates for municipal office,
 191 except offices of a judicial nature. Notwithstanding anything in this paragraph to the
 192 contrary, the General Assembly may provide by local law for a period of district
 193 residency for candidates for any county or municipal governing authority or board of
 194 education who are elected from districts not to exceed 12 months residency within the
 195 district from which each such candidate seeks election. Any local law previously enacted
 196 by the General Assembly providing for a period of district residency for candidates for

197 county or municipal office which does not exceed 12 months shall be granted full force
198 and effect;”

199 **SECTION 13.**

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

202 **SECTION 14.**

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