

House Bill 757

By: Representatives Fleming of the 121st, Burns of the 159th, Jones of the 47th, Blackmon of the 146th, Kelley of the 16th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2 primaries and elections generally, so as to provide for the determination of qualifying periods
3 for special elections; to provide for voter registration deadlines for special primary runoffs
4 and any other election or runoff held in conjunction with a special primary runoff; to provide
5 for related matters; to provide an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

14 "(d) All political body and independent candidates shall file their notice of candidacy and
15 pay the prescribed qualifying fee by the date prescribed in this subsection in order to be
16 eligible to have their names placed on the election ballot by the Secretary of State or
17 election superintendent, as the case may be, in the following manner:

18 (1) Each elector for President or Vice President of the United States, or his or her agent,
19 desiring to have the names of his or her candidates for President and Vice President
20 placed on the election ballot shall file a notice of his or her candidacy, giving his or her
21 name, residence address, and the office he or she is seeking, in the office of the Secretary
22 of State during the period beginning at 9:00 A.M. on the fourth Monday in June
23 immediately prior to the election and ending at 12:00 Noon on the Friday following the
24 fourth Monday in June, notwithstanding the fact that any such days may be legal
25 holidays;

26 (2) Each candidate for United States Senate, United States House of Representatives, or
27 state office, or his or her agent, desiring to have his or her name placed on the election
28 ballot shall file a notice of his or her candidacy, giving his or her name, residence
29 address, and the office he or she is seeking, in the office of the Secretary of State during
30 the period beginning at 9:00 A.M. on the Monday of the thirty-fifth week immediately
31 prior to the election and ending at 12:00 Noon on the Friday immediately following such
32 Monday, notwithstanding the fact that any such days may be legal holidays, in the case
33 of a general election. In the case of a special election to fill a federal office listed in this
34 subsection, each candidate shall file a notice of his or her candidacy, giving his or her
35 name, residence address, and the office he or she is seeking, in the office of the Secretary
36 of State during a period designated by the Secretary of State which shall be at least two
37 and one-half days in length and shall commence no earlier than the date of the call of the
38 special election and no later than 60 days prior to the special election. In the case of a
39 special election to fill a state office, each candidate shall file a notice of his or her
40 candidacy, giving his or her name, residence address, and the office he or she is seeking,
41 in the office of the Secretary of State during a period designated by the Secretary of State
42 which shall be at least two and one-half days in length and shall commence no earlier
43 than the date of the call of the special election and no later than 25 days prior to the
44 special election;

45 (3) ~~Each~~ In the case of a general election, each candidate for a county office, or his or
46 her agent, desiring to have his or her name placed on the election ballot shall file notice
47 of his or her candidacy in the office of the superintendent of his or her county during the
48 period beginning at 9:00 A.M. on the Monday of the thirty-fifth week immediately prior
49 to the election and ending at 12:00 Noon on the Friday immediately following such
50 Monday, notwithstanding the fact that any such days may be legal holidays, ~~in the case~~
51 ~~of a general election and~~. In the case of a special election, each candidate for a county
52 office, or his or her agent, desiring to have his or her name placed on the election ballot
53 shall file notice of his or her candidacy in the office of the superintendent of his or her
54 county during a period designated by the superintendent which shall be at least two and
55 one-half days in length and shall commence no earlier than the date of the call of the
56 election and no later than 25 days prior to the election ~~in the case of a special election;~~

57 (4) Each candidate for municipal office or a designee shall file a notice of candidacy in
58 the office of the municipal superintendent of such candidate's municipality during the
59 municipality's qualifying period. Each municipal superintendent shall designate the days
60 of the qualifying period, which shall be no less than three days and no more than five
61 days. The days of the qualifying period shall be consecutive days. Qualifying periods
62 shall commence no earlier than 8:30 A.M. on the third Monday in August immediately

63 preceding the general election and shall end no later than 4:30 P.M. on the following
 64 Friday; and, in the case of a special election, the municipal qualifying period shall
 65 commence no earlier than the date of the call and shall end no later than 25 days prior to
 66 the election; and

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

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

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

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

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

85 SECTION 2.

86 Said chapter is further amended by revising subsection (c) of Code Section 21-2-152, relating
 87 to conduct of primaries generally and run-off primary, as follows:

88 "(c) A run-off primary shall be a continuation of the primary ~~and only persons who were~~
 89 ~~entitled to vote in the primary shall be entitled to vote therein;~~ and only those votes cast for
 90 the persons designated for the runoff shall be counted in the tabulation and canvass of the
 91 votes cast. Any elector who votes in the primary of one party shall not be eligible to vote
 92 in a primary runoff of any other party other than a primary runoff of the party in whose
 93 primary such elector voted. The deadline for persons to apply to register to vote before a
 94 run-off primary or any primary, election, or runoff held in conjunction with such run-off
 95 primary shall be the close of business on the fifth Monday prior to the date of such run-off
 96 primary or, if such Monday is a legal holiday, by the close of business on the following
 97 business day."

98 **SECTION 3.**

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

101 "(b) At least 29 days shall intervene between the call of a special primary and the holding
102 of same, and at least 29 days shall intervene between the call of a special election and the
103 holding of same. The period during which candidates may qualify to run in a special
104 primary or a special election shall remain open for a minimum of two and one-half days.
105 Such period shall be designated by the Secretary of State for a special primary or special
106 election involving a federal or state office, by the county election superintendent for a
107 county office, and by the municipal election superintendent for a municipal office. In the
108 case of a special primary or special election for a federal office, such period shall
109 commence not earlier than the date of the call of the special primary or special election and
110 shall end not later than 60 days prior to such special primary or special election. In the case
111 of a special primary or special election for a state, county, or municipal office, such period
112 shall commence not earlier than the date of the call of the special primary or special
113 election and shall end not later than 25 days prior to such special primary or special
114 election. Special elections which are to be held in conjunction with the presidential
115 preference primary, a state-wide general primary, or state-wide general election shall be
116 called at least 90 days prior to the date of such presidential preference primary, state-wide
117 general primary, or state-wide general election; provided, however, that this requirement
118 shall not apply to special elections held on the same date as such presidential preference
119 primary, state-wide general primary, or state-wide general election but conducted
120 completely separate and apart from such state-wide general primary or state-wide general
121 election using different ballots or voting equipment, facilities, poll workers, and paperwork.
122 ~~Notwithstanding any provision of this subsection to the contrary, special elections which~~
123 ~~are to be held in conjunction with the state-wide general primary or state-wide general~~
124 ~~election in 2014 shall be called at least 60 days prior to the date of such state-wide general~~
125 ~~primary or state-wide general election."~~

126 **SECTION 4.**

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

129 **SECTION 5.**

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