

House Bill 757

By: Representatives Fleming of the 121<sup>st</sup>, Burns of the 159<sup>th</sup>, Jones of the 47<sup>th</sup>, Blackmon of the 146<sup>th</sup>, Kelley of the 16<sup>th</sup>, 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 style="text-align:center">**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.