

The House Committee on Governmental Affairs offers the following substitute to HB 757:

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 that, in those instances in which a special election is required to fill a partisan office and such  
6 partisan office is being filled on a temporary basis by appointment, a special primary and a  
7 special election shall be conducted for such office; to provide for related matters; to provide  
8 an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

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

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

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

26 fourth Monday in June, notwithstanding the fact that any such days may be legal  
27 holidays;

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

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

59 (4) Each candidate for municipal office or a designee shall file a notice of candidacy in  
60 the office of the municipal superintendent of such candidate's municipality during the  
61 municipality's qualifying period. Each municipal superintendent shall designate the days  
62 of the qualifying period, which shall be no less than three days and no more than five

63 days. The days of the qualifying period shall be consecutive days. Qualifying periods  
 64 shall commence no earlier than 8:30 A.M. on the third Monday in August immediately  
 65 preceding the general election and shall end no later than 4:30 P.M. on the following  
 66 Friday; and, in the case of a special election, the municipal qualifying period shall  
 67 commence no earlier than the date of the call and shall end no later than 25 days prior to  
 68 the election; and

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

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

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

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

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

## 87 **SECTION 2.**

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

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

98 primary or, if such Monday is a legal holiday, by the close of business on the following  
 99 business day."

100 **SECTION 3.**

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

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

128 **SECTION 4.**

129 Said chapter is further amended in Code Section 21-2-540, relating to conduct of special  
 130 elections generally, by revising subsection (e) and by adding a new subsection to read as  
 131 follows:

132 "(e) Candidates in special elections for partisan offices shall be listed alphabetically on the  
133 ballot and, except where a special primary has been held, may choose to designate on the  
134 ballot their party affiliation. The party affiliation selected by a candidate shall not be  
135 changed following the close of qualifying.

136 (f) Notwithstanding any provision of law to the contrary, in those instances in which:

137 (1) A special election is required to fill a partisan office;

138 (2) Such partisan office is being filled on a temporary basis by appointment;

139 (3) Such special election is being conducted in conjunction with a November general  
140 election; and

141 (4) The vacancy occurs prior to the qualifying period for the general primary to be held  
142 in the year of such November state-wide general election,

143 a special primary and a special election shall be conducted for such office with the special  
144 primary being held in conjunction with such general primary. Otherwise, only a special  
145 election shall be required."

146 **SECTION 5.**

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

149 **SECTION 6.**

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