

House Bill 902

By: Representatives Dreyer of the 59<sup>th</sup>, Frye of the 118<sup>th</sup>, Wilson of the 80<sup>th</sup>, Holly of the 111<sup>th</sup>, and Bennett of the 94<sup>th</sup>

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 require candidates to swear at the time of  
3 qualifying that neither the candidate nor his or her surrogate has colluded with a foreign state,  
4 foreign government, or citizen of a foreign state, or requested assistance in any form to such  
5 state, government, or citizen to influence the outcome of any local, state, or federal election  
6 in the United States of America; to provide for related matters; to provide for an effective  
7 date; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

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

15 "(f) Each candidate required by this Code section to file a notice of candidacy shall  
16 accompany his or her notice of candidacy with an affidavit stating:

- 17 (1) His or her full name and the name as the candidate desires it to be listed on the ballot.  
18 The surname of the candidate shall be the surname of the candidate as it appears on the  
19 candidate's voter registration card unless the candidate provides proof that his or her  
20 surname as it appears on the candidate's registration card is incorrect in which event the  
21 correct name shall be listed. After such name is submitted to the Secretary of State or the  
22 election superintendent, the form of such name shall not be changed during the election  
23 for which such notice of candidacy is submitted;
- 24 (2) His or her residence, with street and number, if any, and his or her post office  
25 address;
- 26 (3) His or her profession, business, or occupation, if any;

- 27 (4) The name of his or her precinct;
- 28 (5) That he or she is an elector of the county or municipality of his or her residence and
- 29 is eligible to vote in the election in which he or she is a candidate;
- 30 (6) The name of the office he or she is seeking;
- 31 (7) That he or she is eligible to hold such office;
- 32 (8) That the candidate has never been convicted and sentenced in any court of competent
- 33 jurisdiction for fraudulent violation of primary or election laws, malfeasance in office,
- 34 or felony involving moral turpitude or conviction of domestic violence under the laws of
- 35 this state or any other state or of the United States, or that the candidate's civil rights have
- 36 been restored and that at least ten years have elapsed from the date of the completion of
- 37 the sentence without a subsequent conviction of another felony involving moral turpitude;
- 38 (9) That neither the candidate nor his or her surrogate has colluded with a foreign state,
- 39 foreign government, or citizen of a foreign state, or requested assistance from such state,
- 40 government, or citizen to influence the outcome of any local, state, or federal election in
- 41 the United States of America;
- 42 ~~(9)~~(10) That he or she will not knowingly violate this chapter or rules and regulations
- 43 adopted under this chapter; ~~and~~
- 44 (11) That the candidate acknowledges that by intentionally swearing to such affidavit
- 45 while knowing that it contains false statements, he or she will have committed the offense
- 46 of false swearing and shall be guilty of a felony; and
- 47 ~~(10)~~(12) Any other information as may be determined by the Secretary of State to be
- 48 necessary to comply with federal and state law.

49 The affidavit shall contain such other information as may be prescribed by the officer with

50 whom the candidate files his or her notice of candidacy."

51 **SECTION 2.**

52 Said chapter is further amended by revising subsection (e) of Code Section 21-2-153, relating

53 to qualification of candidates for party nomination in a state or county primary, posting of

54 list of all qualified candidates, filing of affidavit with political party by each qualifying

55 candidate, and performance of military service does not create vacancy, as follows:

56 "(e) Each candidate for party nomination described in subsection (a) of this Code section

57 shall file an affidavit with the political party at the time of his or her qualifying stating:

- 58 (1) His or her full name and the name as the candidate desires it to be listed on the ballot.
- 59 The surname of the candidate shall be the surname of the candidate as it appears on the
- 60 candidate's voter registration card. After such name is certified by the political party to

61 the Secretary of State or the election superintendent, the form of such name shall not be  
 62 changed during the primary and election for which such affidavit is submitted;

63 (2) His or her residence, with street and number, if any, and his or her post office  
 64 address;

65 (3) His or her profession, business, or occupation, if any;

66 (4) The name of his or her precinct;

67 (5) That he or she is an elector of the county of his or her residence and is eligible to vote  
 68 in the primary election in which he or she is a candidate for nomination;

69 (6) The name of the office he or she is seeking;

70 (7) That he or she is eligible to hold such office;

71 (8) That the candidate has never been convicted and sentenced in any court of competent  
 72 jurisdiction for fraudulent violation of primary or election laws, malfeasance in office,  
 73 or felony involving moral turpitude under the laws of this state or any other state or of the  
 74 United States, or that the candidate's civil rights have been restored and that at least ten  
 75 years have elapsed from the date of the completion of the sentence without a subsequent  
 76 conviction of another felony involving moral turpitude;

77 (9) That neither the candidate nor his or her surrogate has colluded with a foreign state,  
 78 foreign government, or citizen of a foreign state, or requested assistance from such state,  
 79 government, or citizen to influence the outcome of any local, state, or federal election in  
 80 the United States of America;

81 ~~(9)~~(10) That he or she will not knowingly violate this chapter or rules or regulations  
 82 adopted under this chapter; ~~and~~

83 (11) That the candidate acknowledges that by intentionally swearing to such affidavit  
 84 while knowing that it contains false statements, he or she will have committed the offense  
 85 of false swearing and shall be guilty of a felony; and

86 ~~(10)~~(12) Any other information as may be determined by the Secretary of State to be  
 87 necessary to comply with federal and state law."

88 **SECTION 3.**

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

91 **SECTION 4.**

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