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THIS SUPPLEMENT CONTAINS

Statutes:

All laws specifically codified by the General Assembly of the State of Georgia through the 2025 Regular Session of the General Assembly.

Annotations of Judicial Decisions:

Case annotations reflecting decisions posted to LexisNexis® through May 12, 2025. These annotations will appear in the following traditional reporter sources: Georgia Reports; Georgia Appeals Reports; Southeastern Reporter; Supreme Court Reporter; Federal Reporter; Federal Supplement; Federal Rules Decisions; Lawyers' Edition; United States Reports; and Bankruptcy Reporter.

Annotations of Attorney General Opinions:

Constructions of the Official Code of Georgia Annotated, prior Codes of Georgia, Georgia Laws, the Constitution of Georgia, and the Constitution of the United States by the Attorney General of the State of Georgia posted to LexisNexis® through May 12, 2025.

Other Annotations:

References to:

Emory Bankruptcy Developments Journal.
Emory International Law Review.
Emory Law Journal.
Georgia Journal of International and Comparative Law.
Georgia Law Review.
Georgia State University Law Review.
John Marshall Law Review.
Mercer Law Review.
Georgia State Bar Journal.
Georgia Journal of Intellectual Property Law.
American Jurisprudence, Second Edition.
American Jurisprudence, Pleading and Practice Forms Annotated.
American Jurisprudence, Proof of Facts.
American Jurisprudence, Trials.
Corpus Juris Secundum.
Uniform Laws Annotated.
American Law Reports, First through Seventh Series.
American Law Reports, Federal.

Tables:

In Volume 41, a Table Eleven-A comparing provisions of the 1976 Constitution of Georgia to the 1983 Constitution of Georgia and a Table Eleven-B comparing provisions of the 1983 Constitution of Georgia to the 1976 Constitution of Georgia.

In Volume 41A, an updated version of Table Fifteen reflects legislation through the 2025 Regular Session of the General Assembly.

Indices:

A cumulative replacement index to laws codified in the 2025 supplement pamphlets and in the bound volumes of the Code.

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TITLE 21

ELECTIONS

Chap.

2. Elections and Primaries Generally, 21-2-1 through 21-2-604.
4. Recall of Public Officers, 21-4-1 through 21-4-21.
5. Government Transparency and Campaign Finance, 21-5-1 through 21-5-76.

Law reviews.

For article, “Do Elections Really Have Consequences? Presidential indifference,

Attenuated Accountability, and Policy Paralysis Within the Administrative State,” see 58 Ga. St. L. Rev. 1015 (2024).

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General authority of Attorney General. — The authority to investigate potential violations of the election laws rests with the State Election Board and not with the Attorney General. This Attorney General’s Office is not required to conduct an investigation on its own or with outside personnel at the direction of a client agency. 2024 Op. Att’y Gen. No. 24-1.

While there are a number of statutes that grant to the Attorney General the power to employ peace officers for the purpose of conducting particular criminal investigations there is no such grant of power to the Attorney General related to the Election Code. 2024 Op. Att’y Gen. No. 24-1.

RESEARCH REFERENCES

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ARTICLE 1
GENERAL PROVISIONS

21-2-2. Definitions.

As used in this chapter, the term:

(1) “Activities of daily living” includes eating, toileting, grooming, dressing, shaving, transferring, and other personal care services.

(2) “Attendant care services” means services and supports furnished to an individual with a physical disability, as needed, to assist in accomplishing activities of daily living, instrumental activities of daily living, and health related functions through hands-on assistance, supervision, or cuing.

(1) “Ballot” means “official ballot” or “paper ballot” and shall include the instrument, whether paper, mechanical, or electronic, by which an elector casts his or her vote.

(2) “Ballot marking device” means a pen, pencil, or similar writing tool, or an electronic device designed for use in marking paper ballots in a manner that is detected as a vote so cast and then counted by ballot scanners.

(2.1) “Ballot scanner” means an electronic recording device which receives an elector’s ballot and tabulates the votes on the ballot by its own devices, also known as a “tabulating machine.”

(3) “Call” or “the call,” as used in relation to special elections or special primaries, means the affirmative action taken by the responsible public officer to cause a special election or special primary to be held. The date of the call shall be the date of the first publication in a newspaper of appropriate circulation of such affirmative action.

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

(A) A candidate whose name appears on the ballot in a primary or election;

(B) A referendum which appears on the ballot in a primary or election; or

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

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

(4) “Custodian” means the person charged with the duty of testing and preparing voting equipment for the primary or election and with instructing the poll officers in the use of same.

(4.1) “Direct recording electronic” or “DRE” voting equipment means a computer driven unit for casting and counting votes on which an elector touches a video screen or a button adjacent to a video screen to cast his or her vote. Such term shall not encompass ballot marking devices or electronic ballot markers.

(5) “Election” ordinarily means any general or special election and shall not include a primary or special primary unless the context in which the term is used clearly requires that a primary or special primary is included.

(6) “Election district” is synonymous with the terms “precinct” and “voting precinct.”

(7) “Elector” means any person who shall possess all of the qualifications for voting now or hereafter prescribed by the laws of this state, including applicable charter provisions, and shall have registered in accordance with this chapter.

(7.1) “Electronic ballot marker” means an electronic device that does not compute or retain votes; may integrate components such as a ballot scanner, printer, touch screen monitor, audio output, and navigational keypad; and uses electronic technology to independently and privately mark a paper ballot at the direction of an elector, interpret ballot selections, communicate such interpretation for elector verification, and print an elector verifiable paper ballot.

(8) “General election” means an election recurring at stated intervals fixed by law or by the respective municipal charters; and the words “general primary” mean a primary recurring at stated intervals fixed by law or by the respective municipal charters.

(9) “Health related functions” means functions that can be delegated or assigned by licensed health care professionals under state law to be performed by an attendant.

(10) “Independent” means a person unaffiliated with any political party or body and includes candidates in a special election for a partisan office for which there has not been a prior special primary.

(11) “Managers” means the chief manager and the assistant managers required to conduct primaries and elections in any precinct in accordance with this chapter.

(12) “Municipal office” means every municipal office to which persons can be elected by a vote of the electors under the laws of this state and the respective municipal charters.

(13) “Municipality” means an incorporated municipality.

(14) “Nomination” means the selection, in accordance with this chapter, of a candidate for a public office authorized to be voted for at an election.

(15) “November election” means the general election held on the Tuesday next following the first Monday in November in each even-numbered year.

(16) “Numbered list of voters” means one or more sheets of uniform size containing consecutively numbered blank spaces for the insertion of voters’ names at the time of and in the order of receiving their ballots or number slips governing admissions to the voting machines.

(17) “Oath” shall include affirmation.

(18) “Official ballot” means a ballot, whether paper, mechanical, or electronic, which is furnished by the superintendent or governing authority in accordance with Code Section 21-2-280, including paper ballots that are read by ballot scanners.

(19) “Official ballot label” means a ballot label prepared in accordance with Article 9 of this chapter and delivered by the superintendent to the poll officers in accordance with Code Section 21-2-328.

(19.1) “Optical scanning voting system” means a system employing paper ballots on which electors cast votes with a ballot marking device or electronic ballot marker after which votes are counted by ballot scanners.

(20) “Paper ballot” or “ballot” means the forms described in Article 8 of this chapter.

(21) “Party nomination” means the selection by a political party, in accordance with this chapter, of a candidate for a public office authorized to be voted for at an election.

(22) Reserved.

(23) “Political body” or “body” means any political organization other than a political party.

(24) “Political organization” means an affiliation of electors organized for the purpose of influencing or controlling the policies and conduct of government through the nomination of candidates for public office and, if possible, the election of its candidates to public office, except that the term “political organization” shall not include a “subversive organization” as defined in Part 2 of Article 1 of Chapter 11 of Title 16, the “Sedition and Subversive Activities Act of 1953.”

(25) “Political party” or “party” means any political organization which at the preceding:

(A) Gubernatorial election nominated a candidate for Governor and whose candidate for Governor at such election polled at least 20 percent of the total vote cast in the state for Governor; or

(B) Presidential election nominated a candidate for President of the United States and whose candidates for presidential electors at such election polled at least 20 percent of the total vote cast in the nation for that office.

(26) “Poll officers” means the chief manager, assistant managers, and clerks required to conduct primaries and elections in any precinct in accordance with this chapter.

(27) “Polling place” means the room provided in each precinct for voting at a primary or election.

(28) “Precinct” is synonymous with the term “voting precinct” and means a geographical area, established in accordance with this chapter, from which all electors vote at one polling place.

(29) “Primary” means any election held for the purpose of electing party officers or nominating candidates for public offices to be voted for at an election.

(30) “Public office” means every federal, state, county, and municipal office to which persons can be elected by a vote of the electors under the laws of this state or the respective municipal charters, except that the term shall not include the office of soil and water conservation district supervisor.

(31) “Question” means a brief statement of such constitutional amendment, charter amendment, or other proposition as shall be submitted to a popular vote at any election.

(32) “Residence” means domicile.

(32.1) “Scanning ballot” means a printed paper ballot designed to be marked by an elector with a ballot marking device or electronic ballot marker or a blank sheet of paper designed to be used in a ballot marking device or electronic ballot marker, which is then inserted for casting into a ballot scanner.

(33) “Special election” means an election that arises from some exigency or special need outside the usual routine.

(34) “Special primary” means a primary that arises from some exigency or special need outside the usual routine.

(35) “Superintendent” means:

(A) Either the county board of elections, the county board of elections and registration, the joint city-county board of elections, or the joint city-county board of elections and registration, if a county has such;

(B) In the case of a municipal primary, the municipal executive committee of the political party holding the primary within a municipality or its agent or, if none, the county executive committee of the political party or its agent;

(C) In the case of a nonpartisan municipal primary, the person appointed by the proper municipal executive committee;

(D) In the case of a municipal election, the person appointed by the governing authority pursuant to the authority granted in Code Section 21-2-70; and

(E) In the case of the State Election Board exercising its powers under subsection (f) of Code Section 21-2-33.1, the individual appointed by the State Election Board to exercise the power of election superintendent.

(36) “Swear” shall include affirm.

(37) “Violator” means any individual, partnership, committee, association, corporation, limited liability company, limited liability partnership, professional corporation, trust, enterprise, franchise, joint venture, political party, political body, candidate, campaign committee, political action committee or any other political committee or business entity, or any governing authority that violates any provision of this chapter.

(38) Reserved.

(39) “Voter” is synonymous with the term “elector.”

(40) “Voting machine” is a mechanical device on which an elector may cast a vote and which tabulates those votes by its own devices and is also known as a “lever machine.”

(41) “Write-in ballot” means the paper or other material on which a vote is cast for persons whose names do not appear on the official ballot or ballot labels.

History.

Code 1933, § 34-103, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1970, p. 347, § 1; Ga. L. 1978, p. 1004, §§ 1, 2; Ga. L. 1979, p. 964, § 1; Ga. L. 1982, p. 3, § 21; Ga. L. 1982, p. 1512, § 1; Ga. L. 1983, p. 140, § 1; Ga. L. 1984, p. 696, § 1; Ga. L. 1988, p. 964, § 1; Ga. L. 1989, p. 10, § 1; Ga. L. 1994, p. 279, § 1; Ga. L. 1997, p. 590, § 1; Ga. L. 1998, p. 145, § 1; Ga. L. 1998, p. 295, § 1; Ga. L. 1998, p. 1231, §§ 1, 2, 25, 26; Ga. L. 2001, Ex. Sess., p. 325, § 1; Ga. L. 2002, p. 598, §§ 1-1, 2-1;

Ga. L. 2003, p. 151, § 1; Ga. L. 2003, p. 517, § 1; Ga. L. 2005, p. 253, § 1/HB 244; Ga. L. 2006, p. 888, § 1/HB 1435; Ga. L. 2010, p. 914, § 1/HB 540; Ga. L. 2016, p. 173, § 1/SB 199; Ga. L. 2019, p. 7, § 1/HB 316; Ga. L. 2021, p. 14, § 3/SB 202; Ga. L. 2022, p. 352, § 21/HB 1428; Ga. L. 2024, p. 689, § 3/SB 212, effective January 1, 2025.

Amendments.

The 2024 amendment, effective January 1, 2025, deleted “the judge of the probate court of a county or” following “Either” in subparagraph (35)(A).

JUDICIAL DECISIONS

Choices readable by the elector. — In a civil dispute concerning Georgia’s electronic voting system, the dismissal of plaintiff’s petition was upheld because petitioners failed to show that the petitioners were in any danger of an actual injury since O.C.G.A. § 21-2-300(a)(2) simply required that electronic ballot markers

produce paper ballots that were marked with the elector’s choices in a format that could be read by the elector, and petitioners did not dispute that an elector could read the voting choices on the printed paper ballot. *Voterga v. State*, 368 Ga. App. 119, 889 S.E.2d 322, 2023 Ga. App. LEXIS 271 (2023).

21-2-3. Telephone hotline for electors reporting voter intimidation or illegal election activities.

OPINIONS OF THE ATTORNEY GENERAL

Authority of Attorney General. —

investigator beyond the limited context of a referral of a case to the Attorney General for potential criminal prosecution as referenced in O.C.G.A. § 21-2-31(5). 2024 Op. Att’y Gen. No. 24-1.

Authority of Attorney General. — The Election Code does not empower the Attorney General to act on his own as an

21-2-5. Qualifications of candidates for federal and state office; determination of qualifications.

JUDICIAL DECISIONS

Withhold or strike candidate’s name from ballot. — Superior court did not err by not instructing the Secretary of State to withhold or strike the independent U.S. presidential candidate’s name from the November 2024 Georgia ballot

because there was evidence presented from which the superior court could have concluded that there was insufficient time to do so. *Al-Bari v. Pigg*, 319 Ga. 825, 907 S.E.2d 186, 2024 Ga. LEXIS 209 (2024).

21-2-19. Conflict of interest for election officers, officials, and employees regarding providers of voting equipment goods and services.

- (a) As used in this Code section, the term:
- (1) “Business” means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, trust, or other legal entity.
 - (2) “Family” means spouse and dependents.
 - (3) “Full-time” means 30 hours of work for the state per week for more than 26 weeks per calendar year.
 - (4) “Part-time” means any amount of work other than full-time work.
 - (5) “Substantial interest” means the direct or indirect ownership of more than 5 percent of the assets or stock of any business.
 - (6) “Transact business” or “transact any business” means to sell or lease any personal property, real property, or services on behalf of oneself or on behalf of any third party as an agent, broker, dealer, or representative and to purchase surplus real or personal property on behalf of oneself or on behalf of any third party as an agent, broker, dealer, or representative.
- (b) In addition to and notwithstanding any contrary provisions of Chapter 10 of Title 45, it shall be unlawful for any member of the State Board of Elections, the Secretary of State, a county or municipal superintendent or registrar, or any full-time, part-time, or contractual employee of such officer or official, for himself or herself or on behalf of any business, or for any business in which such officer, official, or employee or member of his or her family has a substantial interest to transact any business with a business that has contracted with the state, or any county or municipal government, to provide goods or services related to voting equipment or any other equipment related to the tabulation, auditing, processing, or scanning of ballots.

History.	Effective date.
Code 1981, § 21-2-19, enacted by Ga. L. 2024, p. 1028, § 3/SB 189, effective July 1, 2024.	This Code section became effective July 1, 2024.

ARTICLE 2
SUPERVISORY BOARDS AND OFFICERS

PART 1

STATE ELECTION BOARD, COUNTY BOARD OF ELECTIONS,
AND COUNTY BOARD OF ELECTIONS
AND REGISTRATION

Subpart 1

State Election Board

21-2-30. Creation; membership; terms of service; vacancies; quorum; bylaws; meetings; executive director.

(a) There is created a state board to be known as the State Election Board, to be composed of a chairperson elected by the General Assembly, an elector to be elected by a majority vote of the Senate of the General Assembly at its regular session held in each odd-numbered year, an elector to be elected by a majority vote of the House of Representatives of the General Assembly at its regular session held in each odd-numbered year, and a member of each political party to be nominated and appointed in the manner provided in this Code section. No person while a member of the General Assembly shall serve as a member of the board.

(a.1)(1) The chairperson shall be elected by the General Assembly in the following manner: A joint resolution which shall fix a definite time for the nomination and election of the chairperson may be introduced in either branch of the General Assembly. Upon passage of the resolution by a majority vote of the membership of the Senate and House of Representatives, it shall be the duty of the Speaker of the House of Representatives to call for the nomination and election of the chairperson at the time specified in the resolution, at which time the name of the qualified person receiving a majority vote of the membership of the House of Representatives shall be transmitted to the Senate for confirmation. Upon the qualified person's receiving a majority vote of the membership of the Senate, he or she shall be declared the duly elected chairperson; and the Governor shall be notified of his or her election by the Secretary of the Senate. The Governor is directed to administer the oath of office to the chairperson and to furnish the chairperson with a properly executed commission of office certifying his or her election.

(2) The chairperson of the board shall be nonpartisan. At no time during his or her service as chairperson shall the chairperson actively

participate in a political party organization or in the campaign of a candidate for public office, nor shall he or she make any campaign contributions to a candidate for public office. Furthermore, to qualify for appointment as chairperson, in the two years immediately preceding his or her appointment, a person shall not have qualified as a partisan candidate for public office, participated in a political party organization or the campaign of a partisan candidate for public office, or made any campaign contributions to a partisan candidate for public office.

(3) The term of office of the chairperson shall continue until a successor is elected as provided in paragraph (1) of this subsection. In the event of a vacancy in the position of chairperson at a time when the General Assembly is not in session, it shall be the duty of the Governor and the Governor is empowered and directed to appoint a chairperson possessing the qualifications as provided in this subsection who shall serve as chairperson until the next regular session of the General Assembly, at which time the nomination and election of a chairperson shall be held by the General Assembly as provided in paragraph (1) of this subsection.

(b) A member elected by a house of the General Assembly shall take office on the day following the adjournment of the regular session in which elected and shall serve for a term of two years and until his or her successor is elected and qualified, unless sooner removed. An elected member of the board may be removed at any time by a majority vote of the house which elected him or her. In the event a vacancy should occur in the office of such a member of the board at a time when the General Assembly is not in session, then the President of the Senate shall thereupon appoint an elector to fill the vacancy if the prior incumbent of such office was elected by the Senate or appointed by the President of the Senate; and the Speaker of the House of Representatives shall thereupon appoint an elector to fill the vacancy if the prior incumbent of such office was elected by the House of Representatives or appointed by the Speaker of the House of Representatives. A member appointed to fill a vacancy may be removed at any time by a majority vote of the house whose presiding officer appointed him or her.

(c) Within 30 days after April 3, 1968, the state executive committee of each political party shall nominate a member of its party to serve as a member of the State Election Board and, thereupon, the Governor shall appoint such nominee as a member of the board to serve for a term of two years from the date of the appointment and until his or her successor is elected and qualified, unless sooner removed. Thereafter, such state executive committee shall select a nominee for such office on the board within 30 days after a vacancy occurs in such office and shall also select a nominee at least 30 days prior to the expiration of the term

of each incumbent nominated by it; and each such nominee shall be immediately appointed by the Governor as a member of the board to serve for the unexpired term in the case of a vacancy, and for a term of two years in the case of an expired term. Each successor, other than one appointed to serve an unexpired term, shall serve for a term of two years; and the terms shall run consecutively from the date of the initial gubernatorial appointment. No person shall be eligible for nomination by such state executive committee unless he or she is an elector and a member in good standing of the political party of the committee. Such a member shall cease to serve on the board and his or her office shall be abolished if and when his or her political organization shall cease to be a "political party" as defined in Code Section 21-2-2.

(d) Three voting members of the board shall constitute a quorum, and no vacancy on the board shall impair the right of the quorum to exercise all the powers and perform all the duties of the board. The board shall adopt a seal for its use and bylaws for its own government and procedure.

(e) Meetings shall be held whenever necessary for the performance of the duties of the board on call of the chairperson or whenever any two of its members so request. Minutes shall be kept of all meetings of the board and a record kept of the vote of each member on all questions coming before the board. The chairperson shall give to each member of the board prior notice of the time and place of each meeting of the board.

(f) If any member of the board shall qualify as a candidate for any public office which is to be voted upon in any primary or election regulated by the board, that member's position on the board shall be immediately vacated and such vacancy shall be filled in the manner provided for filling other vacancies on the board.

(g) On and after July 1, 2023, the board shall be a separate and distinct budget unit as defined in Part 1 of Article 4 of Chapter 12 of Title 45, the "Budget Act"; provided, however, that the board shall be attached for administrative purposes only to the office of the Secretary of State as provided for in Code Section 50-4-3. The board shall neither be under the jurisdiction of the Secretary of State nor shall it be considered a division of the office of the Secretary of State.

(h) The board shall have the power to appoint an executive director who shall be a full-time employee of the board. The executive director shall serve at the pleasure of the board, and the board shall in its discretion appoint and fix the compensation of the executive director. The executive director shall be charged with such duties and powers as provided in this Code section or as delegated by the board. The executive director shall serve as the secretary of the board ex officio but shall not be a voting member of the board or a member for the purposes of constituting a quorum.

(i) The executive director and other employees of the board shall be reimbursed for travel and other expenses incurred in the performance of their duties in the same manner as officers and employees of the office of the Secretary of State.

(j) Venue of any action involving members of the board shall be the county in which is found the primary office of the board. Any notice or legal process necessary to be served upon the board may be served upon the executive director, but the executive director shall not be considered a member of the board in determining the venue of any such action, and no court shall have jurisdiction over any such action solely by virtue of the executive director residing or maintaining a residence within its jurisdiction.

(k) The executive director shall:

(1) Keep all records of the board and its proceedings;

(2) With the approval of the board, employ and fix the compensation of personnel as determined necessary to assist the executive director in his or her duties;

(3) With the consent of the board, schedule the time and location of all meetings and hearings, as well as maintain a schedule of all meetings and hearings available for public review;

(4) With the approval of the board, enter into such contracts, leases, agreements, or other transactions with any person or agency as are deemed necessary to carry out the provisions of this chapter or to provide the services required by the board; and

(5) On or before the second Tuesday in January of each year, prepare and deliver a written annual report to the Governor and the chairpersons of the House and Senate Appropriations Committees describing the activities of the board for the previous calendar year. Such report shall be made available to any member of the General Assembly upon request. The report shall include a summary of all actions taken by the board and a financial report of all income and disbursements and staff personnel. The Governor may request a preliminary financial report for budgetary purposes prior to the executive director delivering the annual report.

History.

Ga. L. 1959, p. 59, § 1; Code 1933, § 34-201, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1968, p. 862, § 1; Ga. L. 1969, p. 329, § 2; Ga. L. 1998, p. 295, § 1; Ga. L. 1999, p. 21, § 1; Ga. L. 2008, p. 781, § 1/HB 1112; Ga. L. 2021, p. 14, § 5/SB 202; Ga. L. 2023, p. 563, § 3/SB

222, effective May 3, 2023; Ga. L. 2024, p. 1028, § 1/SB 189, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, deleted the former first sentence of subsection (d), which read: “The Secretary of State shall be an ex officio nonvoting member of the board.” and deleted “,

other than the Secretary of State,” preceding “shall” near the beginning of subsection (f).

Law reviews.

For article on the 2024 amendment of

this Code section, see 41 Ga. St. U.L. Rev. 147 (2024).

21-2-33.2. Extraordinary relief; hearings; suspension and reinstatement of superintendents; litigation expenses.

(a) The governing authority of a county or municipality, as applicable, following a recommendation based on an investigation by a performance review board pursuant to Code Section 21-2-106 may petition the State Election Board, through the Secretary of State, for extraordinary relief pursuant to this Code section. In addition, the State Election Board, on its own motion or following a recommendation based on an investigation by a performance review board pursuant to Part 5 of this article, may pursue the extraordinary relief provided in this Code section.

(b) Upon receiving a petition or taking appropriate action pursuant to subsection (a) of this Code section, the State Election Board shall conduct a preliminary investigation to determine if sufficient cause exists to proceed to a full hearing on the petition. Such preliminary investigation shall be followed by a preliminary hearing which shall take place not less than 30 days nor more than 90 days after the Secretary of State receives the petition. Service of the petition shall be made by hand delivery or by statutory overnight delivery to the Secretary of State’s office. At such preliminary hearing, the State Election Board shall determine if sufficient cause exists to proceed to a full hearing on the petition or if the petition should be dismissed. The State Election Board shall promulgate rules and regulations for conducting such preliminary investigation and preliminary hearing.

(c) Following the preliminary hearing described in subsection (b) of this Code section, the State Election Board may suspend a county or municipal superintendent pursuant to this Code section if at least three members of the board find, after notice and hearing, that:

(1) By a preponderance of the evidence, a county or municipal superintendent has committed at least three violations of this title or of State Election Board rules and regulations, in the last two general election cycles; and the county or municipal superintendent has not sufficiently remedied the violations; or

(2) By clear and convincing evidence, the county or municipal superintendent has, for at least two elections within a two-year period, demonstrated nonfeasance, malfeasance, or gross negligence in the administration of the elections.

(d) A majority of the members of a board of elections, board of

elections and registration, or county commission or, for a sole commissioner form of government, a sole commissioner may petition the Secretary of State to continue any hearing scheduled pursuant to this Code section. Upon a showing of good cause, the State Election Board may in its sound discretion continue any such hearing. Notwithstanding any other provision of law, deliberations held on such petition by the State Election Board shall not be open to the public; provided, however, that testimony shall be taken in an open meeting and a vote on the recommendation shall be taken in an open meeting following the hearing or at the next regularly scheduled meeting.

(e)(1) If the State Election Board makes a finding in accordance with subsection (c) of this Code section, it may suspend the superintendent or board of registrars with pay and appoint an individual to serve as the temporary superintendent. The temporary superintendent who is appointed shall be otherwise qualified to serve or meet the necessary qualifications within three months of appointment.

(2) Any superintendent suspended under this Code section may petition the State Election Board for reinstatement no earlier than 30 days following suspension and no later than 60 days following suspension. In the event that a suspended superintendent or registrar does not petition for reinstatement within the allotted time period, his or her suspension shall be converted into permanent removal, and the temporary superintendent shall become a permanent superintendent subject to removal by the jurisdiction not less than nine months after his or her appointment.

(3) If, after the expiration of the nine-month period following the appointment, the jurisdiction removes the permanent superintendent, any provisions of local or general law governing appointment of the superintendent shall govern the appointment of the superintendent.

(4) If, at any time after the expiration of the nine-month period following the appointment, at least three members of the State Election Board find, after notice and hearing, that the jurisdiction no longer requires a superintendent appointed under this Code section, any provisions of local or general law governing appointment of the superintendent shall govern the appointment of the superintendent.

(f) Upon petition for reinstatement by a superintendent suspended pursuant to a finding under paragraph (1) of subsection (c) of this Code section, the State Election Board shall conduct a hearing for the purpose of receiving evidence relative to whether the superintendent's continued service as superintendent is more likely than not to improve the ability of the jurisdiction to conduct elections in a manner that complies with this chapter. The suspended superintendent shall be

given at least 30 days' notice prior to such hearing and such hearing shall be held no later than 90 days after the petition is filed in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," except that the State Election Board shall have the power to call witnesses and request documents on its own initiative. If the State Election Board denies the petition, it shall be deemed a final agency decision under Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," and it may be appealed in a manner consistent with Code Section 50-13-19. The Attorney General or his or her designee shall represent the interests of the State Election Board in any such judicial review.

(g) A local government shall not expend any public funds for attorneys' fees or expenses of litigation relating to the proceedings initiated pursuant to this Code section except to the extent such fees and expenses are incurred prior to and through the recommendation of the State Election Board as provided in subsection (c) of this Code section; provided, however, that nothing in this subsection shall be construed to prohibit an insurance provider from covering attorneys' fees or expenses of litigation under an insurance policy. Any suspended superintendent who is reinstated by the State Election Board pursuant to this Code section may be reimbursed by the local government for his or her reasonable attorneys' fees and related expenses incurred in pursuing such reinstatement.

(h) Reserved.

(i) When the State Election Board exercises its authority under subsection (f) of Code Section 21-2-33.1, the jurisdiction involved shall not diminish or reduce the funds already budgeted or appropriated by the jurisdiction pursuant to Code Section 21-2-71 and shall pay any necessary and reasonable funds over that amount, as determined by the temporary superintendent, to faithfully carry out their obligations under Code Section 21-2-70.

History.

Code 1981, § 21-2-33.2, enacted by Ga. L. 2021, p. 14, § 7/SB 202; Ga. L. 2024, p. 689, § 4/SB 212, effective January 1, 2025.

Amendments.

The 2024 amendment, effective January 1, 2025, deleted "; a probate judge who serves as election superintendent," following "county commission" in the first sen-

tence in subsection (d); and repealed and reserved former subsection (h), which read: "For purposes of this Code section, where a judge of probate court serves as the superintendent, the suspension authorized by this Code section shall apply only to the judge of probate court's duties as a superintendent and not as a judge of probate court."

21-2-35. Emergency rules and regulations; imminent peril requirement; procedures.

(a) Notwithstanding any other provision of this chapter, Chapter 3 of

Title 38, relating to emergency management, or Chapter 13 of Title 50, the “Georgia Administrative Procedure Act,” to the contrary, the State Election Board may only adopt emergency rules or regulations in circumstances of imminent peril to public health, safety, or welfare. To adopt any such emergency rule or regulation, in addition to any other rule-making requirement of this chapter or Chapter 13 of Title 50, the State Election Board shall:

(1) Give notice to the public of its intended action;

(2) Immediately upon the setting of the date and time of the meeting at which such emergency rule or regulation is to be considered give notice by email of its intended action to:

(A) The Governor;

(B) The Lieutenant Governor;

(C) The Speaker of the House of Representatives;

(D) The chairpersons of the standing committees of each house of the General Assembly tasked with election matters;

(E) The Secretary of State;

(F) Legislative counsel; and

(G) The chief executive officer of each political party registered pursuant to subsection (a) of Code Section 21-2-110; and

(3) State in the notices required by paragraphs (1) and (2) of this subsection the nature of the emergency and the manner in which such emergency represents an imminent peril to public health, safety, or welfare.

(b) Upon adoption or promulgation of any emergency rule or regulation pursuant to this Code section, a majority of the State Election Board shall certify in writing that such emergency rule or regulation was made in strict and exact compliance with the provisions of this chapter and subsection (e) of Code Section 50-13-4.

(c) In the event of any conflict between this Code section and any provision of Chapter 13 of Title 50, this Code section shall govern and supersede any such conflicting provision.

History.

Code 1981, § 21-2-35, enacted by Ga. L. 2021, p. 14, § 8/SB 202; Ga. L. 2024, p. 1028, § 2/SB 189, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, in paragraph (a)(2), added subparagraph (a)(2)(E), and redesignated for-

mer subparagraphs (a)(2)(E) and (a)(2)(F) as subparagraphs (a)(2)(F) and (a)(2)(G), respectively.

Law reviews.

For article on the 2024 amendment of this Code section, see 41 Ga. St. U.L. Rev. 147 (2024).

Subpart 2

County Board of Elections and County Board of Elections and
Registration**21-2-40.1. Boards of elections and registration in counties
where the probate court judge serves as the election
superintendent.**

(a) For the purposes of this Code section, the term “board” shall mean a board of elections and registration created pursuant to this Code section.

(b)(1) In addition to and notwithstanding any provisions of Code Section 21-2-40 to the contrary, in any county in which the judge of the probate court serves as the election superintendent, and a local Act creating a board of elections or board of elections and registration for such county has not been adopted and taken effect on or before January 1, 2025, the governing authority of such county shall and is directed to create a board of elections and registration pursuant to subsection (b) of this Code section no later than December 15, 2024. Each such board of elections and registration shall assume the duties of the county’s election superintendent, shall have the powers and duties of the election superintendent relating to the conduct of primaries and elections, and shall have the powers and duties of a board of registrars relating to the registration of voters and absentee balloting procedures beginning on January 1, 2025.

(2)(A) Except as provided for in subparagraph (B) of this paragraph, each board shall be composed of three members, each of whom shall be an elector and resident of the particular county, who shall be appointed by the county governing authority.

(B) A county governing authority may adopt an ordinance expanding a board to five members, each of whom shall be an elector and resident of the particular county, who shall be appointed by the county governing authority.

(C) The county executive committees of the political parties whose candidates at the last preceding regular general election held for the election of Governor that received the largest and second largest number of votes in this state for Governor may submit a list of recommended appointees to a county governing authority for appointment to a board established pursuant to this Code section; provided, however, that such governing authority is under no obligation to appoint any person listed on such list of recommended appointees.

(D) Each board shall select a chairperson from among its members.

(c)(1) Each member of a board shall serve for a term of four years and until a successor is appointed and qualified, except in the event of resignation or removal as provided for in subsections (d) and (e) of this Code section.

(2) Notwithstanding paragraph (1) of this subsection to the contrary, for the initial boards, one member of a three-person board, or two members of a five-person board, shall be appointed to an initial term of two years so as to provide for the staggering of the terms of office of the board members.

(d) Each member of a board shall be eligible to succeed himself or herself, provided that no member shall serve more than four consecutive terms on a board. Each member shall have the right to resign at any time by submitting written notice of resignation to the governing authority of the county.

(e) Each member of a board shall be subject to removal from such board at any time, for cause after notice and hearing, in the same manner and by the same authority as provided for removal of registrars.

(f) The governing authority of the county shall file with the clerk of the superior court of the county an affidavit which states the name and residential address of the person appointed and certifies that such member has been duly appointed as provided in this Code section. The clerk of the superior court shall record each such certification on the minutes of the court and shall certify the name of each such member to the Secretary of State and provide for the issuance of appropriate commissions to the members within the same time and in the same manner as provided by law for registrars.

(g) In the event that a vacancy occurs on a board due to removal, death, resignation, or otherwise, except by expiration of term, the county governing authority shall appoint a successor for the remainder of the unexpired term. The clerk of the superior court shall be notified of interim appointments and record and certify such appointments in the same manner as the regular appointment of members.

(h) Before entering upon his or her duties, each member of a board shall take substantially the same oath as required by law for registrars. Each member of a board shall have the same privileges from arrest as registrars.

(i) On January 1, 2025, for each county in which a board is established pursuant to this Code section, the previous election superintendent of the county and the board of registrars of such county shall be relieved of all powers and duties to which a board succeeds by the provisions of this Code section; and such election superintendent and

board of registrars shall deliver thereafter to the chairperson of a board, upon his or her written request, the custody of all equipment, supplies, materials, books, papers, records, and facilities of every kind pertaining to such powers and duties.

(j)(1) Each board shall be authorized to organize itself, elect its officers, determine its procedural rules and regulations, adopt by-laws, specify the functions and duties of its employees, and otherwise take such action as is appropriate for the management of the affairs committed to its supervision; provided, however, that no such action shall conflict with state law.

(2) Action and decision by a board shall be by a majority of the members of a board.

(k)(1) Each board shall fix and establish, by appropriate resolution entered on its minutes, directives governing the execution of matters within its jurisdiction. A board shall hold regular monthly meetings at a time and place to be fixed by resolution of such board. All meetings shall comply with the open meetings laws and open records laws of the State of Georgia.

(2) A board shall maintain a written record of policy decisions that shall be amended to include additions or deletions. Such written record shall be made available for the public to review.

(l) A board is authorized to select and appoint an administrative director, to be known as the election supervisor, to administer and supervise conduct of elections, primaries, and registration of electors for the county. The election supervisor shall serve at the pleasure of such board.

(m) A board is authorized to employ such full-time and part-time employees, including a chief clerk, as such board shall deem necessary. The governing authority of the county shall have the right to approve the hiring of any such employee.

(n) With the consent of the governing authority of the county, a board shall be authorized to expend public funds for the purpose of distributing sample ballots, voter information booklets, and other material designed to inform and adequately instruct the electors of the county with regard to elections. No material distributed by a board shall contain or express, in any manner or form, any commentary or expression of opinion or request for support with respect to any political issue or matter of political concern.

(o) Compensation for the members of a board, employees of such board, and the election supervisor shall be fixed by each board with the approval of the governing authority of the county. Such compensation shall be paid from county funds.

(p) The governing authority of the county shall provide a board and the election supervisor with proper and suitable offices and equipment.

(q) Each board is authorized to perform for any municipality located wholly or partially within the county any functions and duties which election superintendents and boards of registrars are authorized by general law to perform on behalf of municipalities under such conditions as provided by general law.

(r)(1) Nothing in this Code section shall affect any board of elections or board of elections and registration established pursuant to a local Act adopted pursuant to Code Section 21-2-40.

(2) Nothing in this Code section shall affect or limit the power of the General Assembly to enact local legislation:

(A) Amending local laws governing boards of elections or boards of elections and registration established pursuant to Code Section 21-2-40; or

(B) Amending the board of a particular county established pursuant to this Code section.

History.

Code 1981, § 21-2-40.1, enacted by Ga. L. 2024, p. 689, § 5/SB 212, effective May 6, 2024.

Effective date.

Ga. L. 2024, p. 689, § 14/SB 212, not

codified by the General Assembly, provides that this Code section becomes effective May 6, 2024, for purposes of creation of boards of elections, and for all other purposes on January 1, 2025.

PART 3

SUPERINTENDENTS

21-2-70. Powers and duties.

Each superintendent within his or her county or municipality shall exercise all the powers granted to him or her by this chapter and shall perform all the duties imposed upon him or her by this chapter, which shall include the following:

(1) To receive and act upon all petitions presented by electors, the board of registrars, or the county executive committee of a political party for the division, redivision, alteration, change, or consolidation of precincts;

(2) To receive and determine the sufficiency of nomination petitions of candidates filing notice of their candidacy with him or her in accordance with this chapter;

(3) To prepare and publish, in the manner provided by this chapter, all notices and advertisements, in connection with the

conduct of elections, which may be required by law, and to transmit immediately to the Secretary of State a copy of any publication in which a call for a special primary, election, or runoff is issued;

(4) To select and equip polling places for use in primaries and elections in accordance with this chapter;

(5) To purchase, except voting machines, preserve, store, and maintain election equipment of all kinds, including voting booths and ballot boxes and to procure ballots and all other supplies for primaries and elections;

(6) To appoint poll officers and other officers to serve in primaries and elections in accordance with this chapter;

(7) To make and issue such rules, regulations, and instructions, consistent with law, including the rules and regulations promulgated by the State Election Board, as he or she may deem necessary for the guidance of poll officers, custodians, and electors in primaries and elections;

(8) To instruct poll officers and others in their duties, calling them together in meetings whenever deemed advisable, and to inspect systematically and thoroughly the conduct of primaries and elections in the several precincts of his or her county to the end that primaries and elections may be honestly, efficiently, and uniformly conducted;

(9) To receive from poll officers the returns of all primaries and elections, to canvass and compute the same, and to certify the results thereof to such authorities as may be prescribed by law;

(10) To announce publicly, by posting in his or her office, the results of all primaries and elections held in his or her county or municipality;

(11) In any general election at which a proposal to amend the Constitution or to provide for a new Constitution is submitted to the electors for ratification, the election superintendent shall provide copies of the summary of such proposal prepared pursuant to Article X, Section I, Paragraph II of the Constitution as provided in this paragraph. A reasonable number of copies of such summary shall be conspicuously available in each polling place;

(12) To prepare annually a budget estimate of his or her expenses under this chapter, in which shall be set forth an itemized list of expenditures for the preceding two years and an itemized estimate of the amount of money necessary to be appropriated for the ensuing year and to submit the same at the time and in the manner and form other budget estimates of his or her county or municipality are now or may hereafter be required to be filed;

(13) To conduct all elections in such manner as to guarantee the secrecy of the ballot and to perform such other duties as may be prescribed by law;

(14) To become certified by satisfactorily completing a certification program as set forth in Code Section 21-2-101; and

(15)(A) In the case of a board of elections, each member of the board shall take an oath in the following form upon becoming a member of the board which shall apply to all primaries and elections conducted by the board throughout such person's tenure on the board:

I, _____, do swear (or affirm) that I will as a member of the board of elections duly attend all ensuing primaries and elections during the continuance thereof, that I will to the best of my ability prevent any fraud, deceit, or abuse in carrying on the same, that I will make a true and perfect return of such primaries and elections, and that I will at all times truly, impartially, and faithfully perform my duties in accordance with Georgia laws to the best of my judgment and ability.

(B) In the case of an election supervisor or designee for a board of elections or board of elections and registration, the election supervisor or designee shall take an oath in the following form upon being appointed as an election supervisor or designee of the board which shall apply to all primaries and elections conducted by the board throughout such person's tenure:

I, _____, do swear (or affirm) that I will duly attend all ensuing primaries and elections during the continuance thereof, that I will to the best of my ability prevent any fraud, deceit, or abuse in carrying on the same, that I will make a true and perfect return of such primaries and elections, and that I will at all times truly, impartially, and faithfully perform my duties in accordance with Georgia laws to the best of my judgment and ability.

(C) Each member of a board of elections or board of elections and registration, and each election supervisor or designee for a board of elections or board of elections and registration serving on July 1, 2011, shall take the appropriate oath as set forth in this Code section which shall apply to all primaries and elections conducted throughout such person's tenure in that position.

History.

Code 1933, § 34-401, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1970, p. 347, § 4; Ga. L. 1981, p. 1718, § 1; Ga. L.

1982, p. 1512, § 5; Ga. L. 1997, p. 590, § 4; Ga. L. 1998, p. 295, § 1; Ga. L. 1999, p. 21, § 1; Ga. L. 2003, p. 517, § 5; Ga. L. 2008, p. 781, § 3/HB 1112; Ga. L. 2008, p.

817, § 3/HB 1098; Ga. L. 2011, p. 683, § 1/SB 82; Ga. L. 2024, p. 689, § 6/SB 212, effective January 1, 2025.

Amendments.

The 2024 amendment, effective January 1, 2025, deleted former subparagraph (15)(A), relating to form of oath; redesignig-

nated former subparagraphs (15)(B) through (15)(D) as present subparagraphs (15)(A) through (15)(C); and, deleted “judge of the probate court serving as an election superintendent, each” from the beginning of subparagraph (15)(C).

21-2-74. [Repealed] Creation of board to assume duties of superintendent in counties without a board of elections and in which judge of probate court is candidate for public office.

History.

Code 1933, § 34-405, enacted by Ga. L. 1970, p. 347, § 8; Ga. L. 1971, p. 602, § 5; Ga. L. 1993, p. 118, § 1; Ga. L. 1993, p.

617, § 3; Ga. L. 1996, p. 1216, § 1; Ga. L. 1997, p. 590, § 5; Ga. L. 1998, p. 295, § 1; repealed by Ga. L. 2024, p. 689, § 7/SB 212, effective January 1, 2025.

21-2-74.1. [Repealed] Acting election superintendent during vacancy.

History.

Code 1981, § 21-2-74.1, enacted by Ga. L. 2021, p. 14, § 10/SB 202; repealed by

Ga. L. 2024, p. 689, § 8/SB 212, effective January 1, 2025.

21-2-76. Eligibility of person to serve as county election superintendent.

No person who holds elective office, as defined in this chapter and including every municipal office to which persons can be elected by a vote of the electors under the laws of this state, shall be eligible to serve as county or municipal election superintendent during the term of such elective office; and the position of any election superintendent shall be deemed vacant upon such superintendent’s qualifying as a candidate for elective public office, as defined in this chapter and including any municipal office to which persons can be elected by a vote of the electors under the laws of this state.

History.

Code 1981, § 21-2-76, enacted by Ga. L. 1996, p. 1216, § 2; Ga. L. 1998, p. 145, § 1; Ga. L. 1998, p. 295, § 1; Ga. L. 1999, p. 52, § 3; Ga. L. 2024, p. 689, § 9/SB 212, effective January 1, 2025.

Amendments.

The 2024 amendment, effective January 1, 2025, deleted “but excluding the

office of probate judge” following the first occurrence of “state” and deleted “other than a probate judge” following the second occurrence of “superintendent” in this Code section.

21-2-78. Eligibility of person to undertake any election related duties.

Any person employed or retained by a county election superintendent to

undertake any election related duties arising from this chapter shall be a citizen of the United States.

History.
Code 1981, § 21-2-78, enacted by Ga. L. 2024, p. 812, § 1/HB 1207, effective July 1, 2024.

Effective date.
This Code section became effective July 1, 2024.

PART 5
LOCAL ELECTION OFFICIALS

21-2-105. Local election official defined.

As used in this part, the term “local election official” means:

- (1) A county board of elections or a county board of elections and registration established pursuant to Code Section 21-2-40 or 21-2-40.1; or
- (2) A municipal election superintendent.

History.
Code 1981, § 21-2-105, enacted by Ga. L. 2021, p. 14, § 12/SB 202; Ga. L. 2024, p. 689, § 10/SB 212, effective January 1, 2025.

Amendments.
The 2024 amendment, effective January 1, 2025, in paragraph (1), substituted

“21-2-40 or 21-2-40.1; or” for “21-2-40;” at the end; deleted former paragraph (2), which read: “A judge of the probate court fulfilling the role of election superintendent; or”; and, redesignated former paragraph (3) as present paragraph (2).

ARTICLE 4
SELECTION AND QUALIFICATION OF CANDIDATES AND
PRESIDENTIAL ELECTORS

PART 1
GENERAL PROVISIONS

21-2-132. Filing notice of candidacy, nomination petition, and affidavit; reopening qualifying period; payment of qualifying fee; pauper’s affidavit and qualifying petition for exemption from qualifying fee.

- (a) The names of nominees of political parties nominated in a primary and the names of nominees of political parties for the office of presidential elector shall be placed on the election ballot without their filing the notice of candidacy otherwise required by this Code section.
- (b) Candidates seeking election in a nonpartisan election shall comply with the requirements of subsections (c) and (f) of this Code

section, as modified by subsection (g) of this Code section, by the date prescribed and shall by the same date pay to the proper authority the qualifying fee prescribed by Code Section 21-2-131 in order to be eligible to have their names placed on the nonpartisan election ballots.

(c) All candidates seeking election in a nonpartisan election shall file their notice of candidacy and pay the prescribed qualifying fee by the date prescribed in this subsection in order to be eligible to have their names placed on the nonpartisan election ballot by the Secretary of State or election superintendent, as the case may be, in the following manner:

(1) Each candidate for the office of judge of the superior court, Judge of the Court of Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file a notice of candidacy, giving his or her name, residence address, and the office sought, in the office of the Secretary of State no earlier than 9:00 A.M. on the Monday of the eleventh week immediately prior to the election and no later than 12:00 Noon on the Friday immediately following such Monday, notwithstanding the fact that any such days may be legal holidays;

(2) Each candidate for a county judicial office, a local board of education office, or an office of a consolidated government, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file notice of candidacy in the office of the superintendent no earlier than 9:00 A.M. on the Monday of the eleventh week immediately prior to the election and no later than 12:00 Noon on the Friday immediately following such Monday, notwithstanding the fact that any such days may be legal holidays;

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

(B) In any case in which no individual has filed a notice of candidacy and paid the prescribed qualifying fee to fill a particular

office in a nonpartisan municipal election, the governing authority of the municipality shall be authorized to reopen qualifying for candidates at 9:00 A.M. on the Monday next following the close of the preceding qualifying period and cease such qualifying at 5:00 P.M. on the Tuesday immediately following such Monday, notwithstanding the fact that such days may be legal holidays;

(3.1) In any case where no candidate has filed notice of candidacy and paid the prescribed qualifying fee in a nonpartisan election prior to the close of the applicable qualifying period prescribed in this subsection, qualifying for candidates shall be reopened at 9:00 A.M. on the Monday next following the close of the preceding qualifying period and shall cease at 5:00 P.M. on the Tuesday immediately following such reopening, notwithstanding the fact that any such days may be legal holidays; and

(4) In any case where an incumbent has filed notice of candidacy and paid the prescribed qualifying fee in a nonpartisan election to succeed himself or herself in office but withdraws as a candidate for such office prior to the close of the applicable qualifying period prescribed in this subsection, qualifying for candidates other than such incumbent shall be reopened at 9:00 A.M. on the Monday next following the close of the preceding qualifying period and shall cease at 5:00 P.M. on the Tuesday immediately following such reopening, notwithstanding the fact that any such days may be legal holidays.

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

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

(2) Each candidate for United States Senate, United States House of Representatives, or state office, or his or her agent, desiring to have his or her name placed on the election ballot shall file a notice of his or her candidacy, giving his or her name, residence address, and the office he or she is seeking, in the office of the Secretary of State during

the period beginning at 9:00 A.M. on the Monday of the thirty-fifth week immediately prior to the election and ending at 12:00 Noon on the Friday immediately following such Monday, notwithstanding the fact that any such days may be legal holidays, in the case of a general election. In the case of a special election to fill a federal office listed in this subsection, each candidate shall file a notice of his or her candidacy, giving his or her name, residence address, and the office he or she is seeking, in the office of the Secretary of State no earlier than the date of the call of the special election and no later than 60 days prior to the special election. In the case of a special election to fill a state office, each candidate shall file a notice of his or her candidacy, giving his or her name, residence address, and the office he or she is seeking, in the office of the Secretary of State no earlier than the date of the call of the special election and no later than 25 days prior to the special election;

(3) Each candidate for a county office, or his or her agent, desiring to have his or her name placed on the election ballot shall file notice of his or her candidacy in the office of the superintendent of his or her county during the period beginning at 9:00 A.M. on the Monday of the thirty-fifth week immediately prior to the election and ending at 12:00 Noon on the Friday immediately following such Monday, notwithstanding the fact that any such days may be legal holidays, in the case of a general election and no earlier than the date of the call of the election and no later than 25 days prior to the election in the case of a special election;

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

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

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

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

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

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

(e) Each candidate required to file a notice of candidacy by this Code section shall, no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the election and no later than 12:00 Noon on the second Tuesday in July immediately prior to the election, file with the same official with whom he or she filed his or her notice of candidacy a nomination petition in the form prescribed in Code Section 21-2-170, except that such petition shall not be required if such candidate is:

(1) A nominee of a political party for the office of presidential elector when such party has held a national convention and therein nominated candidates for President and Vice President of the United States;

(2) Seeking office in a special election;

(3) An incumbent qualifying as a candidate to succeed himself or herself;

(4) A candidate seeking election in a nonpartisan election; or

(5) A nominee for a state-wide office by a duly constituted political body convention, provided that the political body making the nomination has qualified to nominate candidates for state-wide public office under the provisions of Code Section 21-2-180.

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

(1) His or her full name and the name as the candidate desires it to be listed on the ballot. The surname of the candidate shall be the

surname of the candidate as it appears on the candidate's voter registration card unless the candidate provides proof that his or her surname as it appears on the candidate's registration card is incorrect in which event the correct name shall be listed. After such name is submitted to the Secretary of State or the election superintendent, the form of such name shall not be changed during the election for which such notice of candidacy is submitted;

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

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

(4) The name of his or her precinct;

(5) That he or she is an elector of the county or municipality of his or her residence eligible to vote in the election in which he or she is a candidate;

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

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

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

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

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

The affidavit shall contain such other information as may be prescribed by the officer with whom the candidate files his or her notice of candidacy.

(g) A pauper's affidavit may be filed in lieu of paying the qualifying fee otherwise required by this Code section and Code Sections 21-2-131 and 21-2-138 of any candidate who has filed a qualifying petition as provided for in subsection (h) of this Code section. A candidate filing a pauper's affidavit instead of paying a qualifying fee shall under oath affirm his or her poverty and his or her resulting inability to pay the qualifying fee otherwise required. The form of the affidavit shall be prescribed by the Secretary of State and shall include a financial statement which lists the total income, assets, liabilities, and other

relevant financial information of the candidate and shall indicate on its face that the candidate has neither the assets nor the income to pay the qualifying fee otherwise required. The affidavit shall contain an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required. The following warning shall be printed on the affidavit form prepared by the Secretary of State, to wit: "WARNING: Any person knowingly making any false statement on this affidavit commits the offense of false swearing and shall be guilty of a felony." The name of any candidate who subscribes and swears to an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required shall be placed on the ballot by the Secretary of State or election superintendent, as the case may be.

(h) No candidate shall be authorized to file a pauper's affidavit in lieu of paying the qualifying fee otherwise required by this Code section and Code Section 21-2-138 unless such candidate has filed a qualifying petition which complies with the following requirements:

(1) A qualifying petition of a candidate seeking an office which is voted upon state wide shall be signed by a number of voters equal to one-fourth of 1 percent of the total number of registered voters eligible to vote in the last election for the filling of the office the candidate is seeking and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected. A qualifying petition of a candidate for any other office shall be signed by a number of voters equal to 1 percent of the total number of registered voters eligible to vote in the last election for the filling of the office the candidate is seeking and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected. However, in the case of a candidate seeking an office for which there has never been an election or seeking an office in a newly constituted constituency, the percentage figure shall be computed on the total number of registered voters in the constituency who would have been qualified to vote for such office had the election been held at the last general election and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected;

(2) Each person signing a qualifying petition shall declare therein that he or she is a duly qualified and registered elector of the state entitled to vote in the next election for the filling of the office sought by the candidate supported by the petition and shall add to his or her signature his or her residence address, giving municipality, if any, and county, with street and number, if any. No person shall sign the same petition more than once. Each petition shall support the candidacy of only a single candidate. A signature shall be stricken from the petition when the signer so requests prior to the presenta-

tion of the petition to the appropriate officer for filing, but such a request shall be disregarded if made after such presentation. Each sheet shall bear on the bottom or back thereof the affidavit of the circulator of such sheet, which shall be subscribed and sworn to by such circulator before a notary public and shall set forth:

(A) His or her residence address, giving municipality with street and number, if any;

(B) That each signer manually signed his or her own name with full knowledge of the contents of the qualifying petition;

(C) That each signature on such sheet was signed within 180 days of the last day on which such petition may be filed; and

(D) That, to the best of the affiant's knowledge and belief, the signers are registered electors of the state qualified to sign the petition, that their respective residences are correctly stated in the petition, and that they all reside in the county named in the affidavit;

(3) A qualifying petition shall be in the form and manner determined by the Secretary of State and approved by the State Elections Board;

(4) No qualifying petition shall be circulated prior to 180 days before the last day on which such petition may be filed, and no signature shall be counted unless it was signed within 180 days of the last day for filing the same; and

(5) A qualifying petition shall not be amended or supplemented after its presentation to the appropriate officer for filing.

No notary public may sign the petition as an elector or serve as a circulator of any petition which he or she notarized. Any and all sheets of a petition that have the circulator's affidavit notarized by a notary public who also served as a circulator of one or more sheets of the petition or who signed one of the sheets of the petition as an elector shall be disqualified and rejected.

(i) Reserved.

(j)(1) Notwithstanding any provision of law to the contrary, any elected public officer who is performing ordered military duty, as defined in Code Section 38-2-279, shall be eligible for reelection in any primary or general election which may be held to elect a successor for the next term of office, and may qualify in absentia as a candidate for reelection to such office. The performance of ordered military duty shall not create a vacancy in such office during the term for which such public officer was elected.

(2) Where the giving of written notice of candidacy is required, any

elected public officer who is performing ordered military duty may deliver such notice by mail, agent, or messenger to the proper elections official. Any other act required by law of a candidate may, during the time such officer is on ordered military duty, be performed by an agent designated in writing by the absent public officer.

History.

Ga. L. 1922, p. 97, § 3; Code 1933, § 34-1904; Ga. L. 1948, Ex. Sess., p. 3, § 1; Ga. L. 1962, p. 618, § 1; Code 1933, § 34-1001, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1965, p. 224, § 1; Ga. L. 1968, p. 826, § 1; Ga. L. 1968, p. 858, § 1; Ga. L. 1968, p. 871, § 5; Ga. L. 1969, p. 329, § 8B; Code 1933, § 34-1002, enacted by Ga. L. 1970, p. 347, § 13; Ga. L. 1971, p. 602, § 2; Ga. L. 1977, p. 1053, § 3; Ga. L. 1978, p. 1004, § 16; Ga. L. 1979, p. 955, § 4; Ga. L. 1981, p. 1718, §§ 4, 11; Ga. L. 1982, p. 1512, § 5; Ga. L. 1983, p. 140, § 1; Ga. L. 1983, p. 884, § 6-5; Ga. L. 1983, p. 930, § 3; Ga. L. 1983, p. 1190, § 4; Ga. L. 1984, p. 133, § 1; Ga. L. 1984, p. 780, § 1; Ga. L. 1984, p. 1038, § 1; Ga. L. 1985, p. 496, § 3; Ga. L. 1986, p. 32, § 1; Ga. L. 1986, p. 890, § 2; Ga. L. 1987, p. 647, § 1; Ga. L. 1987, p. 1360, § 5; Ga. L. 1989, p. 643, § 2; Ga. L. 1990, p. 243, § 1; Ga. L. 1993, p. 118,

§ 1; Ga. L. 1994, p. 1406, § 2; Ga. L. 1995, p. 1027, § 3; Ga. L. 1996, p. 145, § 1; Ga. L. 1997, p. 590, § 8; Ga. L. 1998, p. 295, § 1; Ga. L. 1999, p. 23, § 1; Ga. L. 1999, p. 52, § 5; Ga. L. 2001, p. 269, § 5; Ga. L. 2001, Ex. Sess., p. 325, § 2; Ga. L. 2002, p. 437, § 1; Ga. L. 2003, p. 517, § 11; Ga. L. 2005, p. 253, §§ 13, 14/HB 244; Ga. L. 2006, p. 69, § 1/SB 467; Ga. L. 2008, p. 781, § 6/HB 1112; Ga. L. 2009, p. 311, § 2/HB 156; Ga. L. 2011, p. 678, § 1/HB 158; Ga. L. 2011, p. 683, § 2A/SB 82; Ga. L. 2012, p. 995, § 5/SB 92; Ga. L. 2014, p. 1, § 1/HB 310; Ga. L. 2016, p. 173, §§ 2, 3/SB 199; Ga. L. 2016, p. 864, § 21/HB 737; Ga. L. 2017, p. 697, § 3/HB 268; Ga. L. 2018, p. 1112, § 21/SB 365; Ga. L. 2024, p. 812, § 2/HB 1207, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, deleted “and” at the end of subparagraph (c)(3)(B); and added paragraph (c)(3.1).

JUDICIAL DECISIONS

Eligibility as independent candidate.

In an action filed by Georgia voters challenging the qualifications of the presidential electors certified by two independent candidates running for President of the U.S., the court held that because neither of the candidates’ electors filed a nomination petition in his or her own name as required by O.C.G.A. § 21-2-132, and therefore the candidates could not appear on Georgia’s ballot for the office of the President. *Al-Bari v. Pigg*, 319 Ga. 825, 907 S.E.2d 186, 2024 Ga. LEXIS 209 (2024).

Each presidential elector for an independent candidate running for the office of President of the United States is a “candidate” required to file a notice of candidacy under O.C.G.A. § 21-2-132. That section applies to each presidential elector for an independent candidate running for the office of President of the United States, and each presidential elector is therefore required to file a nomination petition in his or her own name in the form prescribed in O.C.G.A. § 21-2-170. *Al-Bari v. Pigg*, 319 Ga. 825, 907 S.E.2d 186, 2024 Ga. LEXIS 209 (2024).

21-2-138. Nonpartisan elections for judicial offices.

The names of all candidates who have qualified with the Secretary of State for the office of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court of this state and the names of all candidates who have qualified with the election superintendent for

the office of judge of a state court, office of judge of a probate court, office of chief magistrate, or office of magistrate, when nonpartisan elections have been authorized by law for such county judicial office, shall be placed on the ballot in a nonpartisan election to be held and conducted jointly with the general primary in each even-numbered year. No candidates for any such office shall be nominated by a political party or by a petition as a candidate of a political body or as an independent candidate. Candidates for any such office shall have their names placed on the nonpartisan portion of each ballot by complying with the requirements prescribed in Code Section 21-2-132 specifically related to such nonpartisan candidates and by paying the requisite qualifying fees as prescribed in Code Section 21-2-131. Candidates shall be listed on the official ballot in a nonpartisan election as provided in Code Sections 21-2-284.1 and 21-2-285.1, respectively. Except as otherwise specified in this chapter, the procedures to be employed in conducting the nonpartisan election of judges of probate courts, chief magistrates, magistrates, judges of state courts, judges of superior courts, Judges of the Court of Appeals, and Justices of the Supreme Court shall conform as nearly as practicable to the procedures governing general elections; and such general election procedures as are necessary to complete this nonpartisan election process shall be adopted in a manner consistent with such nonpartisan elections.

History.

Code 1933, § 34-1016, enacted by Ga. L. 1975, p. 1251, § 1; Ga. L. 1983, p. 1190, § 6; Ga. L. 1984, p. 133, § 1; Ga. L. 1984, p. 1490, § 7; Ga. L. 1998, p. 295, § 1; Ga. L. 2001, p. 269, § 9; Ga. L. 2005, p. 253, § 17/HB 244; Ga. L. 2011, p. 678, § 3/HB 158; Ga. L. 2025, p. 780, § 2/HB 426, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, inserted “office of judge of a pro-

bate court, office of chief magistrate, or office of magistrate, when nonpartisan elections have been authorized by law for such county judicial office,” in the first sentence and inserted “judges of probate courts, chief magistrates, magistrates,” in the last sentence.

21-2-139. (For effective date, see note.) Nonpartisan elections authorized; conduct.

(a) Notwithstanding any other provisions of this chapter to the contrary, the General Assembly may provide by local Act for the election in nonpartisan elections of candidates to fill offices of judges of probate courts, offices of local boards of education, and offices of consolidated governments which are filled by the vote of the electors of said county or political subdivision. Except as otherwise provided in this Code section, the procedures to be employed in such nonpartisan elections shall conform as nearly as practicable to the procedures governing nonpartisan elections as provided in this chapter. Except as otherwise provided in this Code section, the election procedures established by

any existing local law which provides for the nonpartisan election of candidates to fill county offices shall conform to the general procedures governing nonpartisan elections as provided in this chapter, and such nonpartisan elections shall be conducted in accordance with the applicable provisions of this chapter, notwithstanding the provisions of any existing local law. For those offices for which the General Assembly, pursuant to this Code section, provided by local Act for election in nonpartisan primaries and elections, such offices shall no longer require nonpartisan primaries. Such officers shall be elected in nonpartisan elections held and conducted in conjunction with the general primary in even-numbered years in accordance with this chapter without a prior nonpartisan primary. This Code section shall apply to all nonpartisan elections for members of consolidated governments. All nonpartisan elections for members of consolidated governments shall be governed by the provisions of this Code section and shall be considered county elections and not municipal elections for the purposes of this Code section. Nonpartisan elections for municipal offices shall be conducted on the dates provided in the municipal charter.

(b) Either a political party, as defined in this chapter, or a nonpartisan municipal executive committee duly registered with the city clerk may conduct a municipal primary for the purpose of electing its own officials or nominating candidates for municipal elections. Every primary held for such purpose shall be presided over and conducted in the manner prescribed by the rules and regulations of such party or nonpartisan municipal executive committee, not inconsistent with the law and the rules and regulations of the State Election Board; provided, however, that all such primaries must be conducted in such manner as to guarantee the secrecy of the ballot.

(c) Municipalities may provide by their charter or by ordinance that no political party shall conduct primaries for the purpose of nominating candidates for municipal elections; provided, however, that the existing provisions of any charter or ordinance prohibiting primaries by political parties shall not be repealed by this subsection.

History.

Code 1981, § 21-2-139, enacted by Ga. L. 1983, p. 1190, § 7; Ga. L. 1985, p. 496, § 4; Ga. L. 1994, p. 131, § 1; Ga. L. 1998, p. 295, § 1; Ga. L. 2001, p. 269, § 10; Ga. L. 2005, p. 253, § 18/HB 244; Ga. L. 2011, p. 678, § 4/HB 158; Ga. L. 2012, p. 995, § 9/SB 92; Ga. L. 2018, p. 1112, § 21/SB 365; Ga. L. 2025, p. 780, § 3/HB 426, effective July 1, 2025; Ga. L. 2025, p. 780, § 4/HB 426, see notes for effective date.

Delayed effective date.

Ga. L. 2025, p. 780, § 5/HB 426, not codified by the General Assembly,

provides that the 2025 amendment to this Code section made in Section 4 of this Act shall only become effective on July 1, 2027, upon the ratification of a resolution at the November, 2026, state-wide general election that amends the Constitution so as to authorize the election of probate court judges in nonpartisan elections; provided, however, that to the extent the Act conflicts with any law in effect at the time of ratification, the 2025 amendments to this Code section and the Constitution shall control, and to the extent such law is not in conflict, the law in effect at the time

of ratification shall control and shall remain in full force and effect. If such a resolution is not so ratified, then the amendments to this Code section shall not become effective and shall stand automatically repealed. This Code section, as set out above, does not reflect the amendment by Section 4 of the Act owing to the delayed effective date. Upon the ratification of the constitutional amendment, subsection (a) will read as follows: “Notwithstanding any other provisions of this chapter to the contrary, the General Assembly may provide by local Act for the election in nonpartisan elections of candidates to fill offices of local boards of education and offices of consolidated governments which are filled by the vote of the electors of said county or political subdivision. Except as otherwise provided in this Code section, the procedures to be employed in such nonpartisan elections shall conform as nearly as practicable to the procedures governing nonpartisan elections as provided in this chapter. Except as otherwise provided in this Code section, the election procedures established by any existing local law which provides for the nonpartisan election of candidates to fill county offices shall conform to the general procedures governing nonpartisan elections as provided in this chapter, and such nonpartisan elections shall be conducted in accordance with the applicable provisions of this chapter, notwithstanding the provisions of any

existing local law. For those offices for which the General Assembly, pursuant to this Code section, provided by local Act for election in nonpartisan primaries and elections, such offices shall no longer require nonpartisan primaries. Such officers shall be elected in nonpartisan elections held and conducted in conjunction with the general primary in even-numbered years in accordance with this chapter without a prior nonpartisan primary. This Code section shall apply to all nonpartisan elections for members of consolidated governments. All nonpartisan elections for members of consolidated governments shall be governed by the provisions of this Code section and shall be considered county elections and not municipal elections for the purposes of this Code section. Nonpartisan elections for municipal offices shall be conducted on the dates provided in the municipal charter.”

Amendments.

The first 2025 amendment, effective July 1, 2025, substituted “offices of judges of probate courts” for “county judicial offices” in the first sentence in subsection (a).

The second 2025 amendment deleted “offices of judges of probate courts,” following “to fill” in the first sentence of subsection (a). For effective date of this amendment, see the delayed effective date note **Law reviews.**

For article “Voting Rights Federation” see 73 Emory L.J. 299 (2023).

PART 2

POLITICAL PARTY AND NONPARTISAN PRIMARIES

21-2-153. Qualification of candidates for party nomination in a state or county primary; posting of list of all qualified candidates; filing of affidavit with political party by each qualifying candidate; performance of military service does not create vacancy.

(a) A candidate for any party nomination in a state or county primary may qualify by either of the two following methods:

- (1) Payment of a qualifying fee pursuant to Code Section 21-2-131;
- or

(2)(A) The submission of a pauper's affidavit by any candidate who has filed a qualifying petition as provided for in subsection (a.1) of this Code section, by which the candidate under oath affirms his or her poverty and his or her resulting inability to pay the qualifying fee otherwise required. The form of the affidavit shall be prescribed by the Secretary of State and shall include a financial statement which lists the total income, assets, liabilities, and other relevant financial information of the candidate and shall indicate on its face that the candidate has neither the assets nor the income to pay the qualifying fee otherwise required. The affidavit shall contain an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required. The following warning shall be printed on the affidavit form prepared by the Secretary of State, to wit: "WARNING: Any person knowingly making any false statement on this affidavit commits the offense of false swearing and shall be guilty of a felony." The name of any candidate who subscribes and swears to an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required shall be placed on the ballot by the Secretary of State or election superintendent, as the case may be.

(B) If a candidate seeks to qualify for a county or militia district office, the pauper's affidavit and financial statement shall be presented to the county political party; otherwise, the candidate shall file his or her pauper's affidavit and financial statement with the state political party.

(a.1) No candidate shall be authorized to file a pauper's affidavit in lieu of paying the qualifying fee otherwise required by this Code section and Code Section 21-2-131 unless such candidate has filed a qualifying petition which complies with the following requirements:

(1) A qualifying petition of a candidate seeking an office which is voted upon state wide shall be signed by a number of voters equal to one-fourth of 1 percent of the total number of registered voters eligible to vote in the last election for the filling of the office the candidate is seeking and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected. A qualifying petition of a candidate for any other office shall be signed by a number of voters equal to 1 percent of the total number of registered voters eligible to vote in the last election for the filling of the office the candidate is seeking and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected. However, in the case of a candidate seeking an office for which there has never been an election or seeking an office in a newly constituted constituency, the percentage figure shall be computed on the total number of registered voters

in the constituency who would have been qualified to vote for such office had the election been held at the last general election and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected;

(2) Each person signing a qualifying petition shall declare therein that he or she is a duly qualified and registered elector of the state entitled to vote in the next election for the filling of the office sought by the candidate supported by the petition and shall add to his or her signature his or her residence address, giving municipality, if any, and county, with street and number, if any. No person shall sign the same petition more than once. Each petition shall support the candidacy of only a single candidate. A signature shall be stricken from the petition when the signer so requests prior to the presentation of the petition to the appropriate officer for filing, but such a request shall be disregarded if made after such presentation. Each sheet shall bear on the bottom or back thereof the affidavit of the circulator of such sheet, setting forth:

(A) His or her residence address, giving municipality with street and number, if any;

(B) That each signer manually signed his or her own name with full knowledge of the contents of the qualifying petition;

(C) That each signature on such sheet was signed within 180 days of the last day on which such petition may be filed; and

(D) That, to the best of the affiant's knowledge and belief, the signers are registered electors of this state qualified to sign the petition, that their respective residences are correctly stated in the petition, and that they all reside in the county named in the affidavit;

(3) A qualifying petition shall be in the form and manner determined by the Secretary of State and approved by the State Elections Board;

(4) No qualifying petition shall be circulated prior to 180 days before the last day on which such petition may be filed, and no signature shall be counted unless it was signed within 180 days of the last day for filing the same; and

(5) A qualifying petition shall not be amended or supplemented after its presentation to the appropriate officer for filing.

(b) Unless otherwise provided by law, all candidates for party nomination in a state or county primary shall qualify as such candidates in accordance with the procedural rules of their party; provided, however, that no person shall be prohibited from qualifying for such office if he or she:

- (1) Meets the requirements of such procedural rules;
- (2) Is eligible to hold the office which he or she seeks;
- (3) Is not prohibited from being nominated or elected by provisions of Code Section 21-2-7 or 21-2-8; and
- (4) If party rules so require, affirms his or her allegiance to his or her party by signing the following oath:

“I do hereby swear or affirm my allegiance to the (name of party) Party.”

(c)(1)(A) In the case of a general state or county primary, the candidates or their agents shall commence qualifying at 9:00 A.M. on the Monday of the eleventh week immediately prior to the state or county primary and shall cease qualifying at 12:00 Noon on the Friday immediately following such Monday, notwithstanding the fact that any such days may be legal holidays. All qualifying for federal and state offices shall be conducted in the state capitol.

(B) In any case where no candidate has qualified for a state or county office after the close of the applicable qualifying period prescribed in this paragraph, qualifying shall be reopened at 9:00 A.M. on the Monday next following the close of the preceding qualifying period and shall cease at 5:00 P.M. on the Tuesday immediately following such reopening, notwithstanding the fact that any such days may be legal holidays.

(C) In the case of a special primary for a federal office, the candidate shall qualify no earlier than the date of the call for the special primary and no later than 60 days immediately prior to the date of such special primary, and such qualifying period shall be open for a minimum of two and one-half days. In the case of a special primary for any other office, the candidate shall qualify no earlier than the date of the call for the special primary and no later than 25 days immediately prior to the date of such special primary, and such qualifying period shall be open for a minimum of two and one-half days.

(D) In any case where an incumbent has qualified as a candidate to succeed himself or herself in office but withdraws as a candidate for such office prior to the close of the applicable qualifying period prescribed in this paragraph, qualifying for candidates other than such incumbent shall be reopened at 9:00 A.M. on the Monday next following the close of the preceding qualifying period and shall cease at 5:00 P.M. on the Tuesday immediately following such reopening, notwithstanding the fact that any such days may be legal holidays.

- (2) If a political party has not designated at least 14 days imme-

diately prior to the beginning of qualifying a party official in a county with whom the candidates of such party for county elective offices shall qualify, the election superintendent of the county shall qualify candidates on behalf of such party. The election superintendent shall give notice in the legal organ of the county at least three days before the beginning of qualifying giving the dates, times, and location for qualifying candidates on behalf of such political party.

(d)(1) Within two hours after the qualifications have ceased, the county executive committee of each political party shall post at the office of the county election superintendent a list of all candidates who have qualified with such executive committee, and the state executive committee of each political party shall provide a list of all candidates who have qualified with such committee to the office of the Secretary of State. If the election superintendent qualifies the candidates for a political party in accordance with subsection (c) of this Code section, the election superintendent shall post at his or her office a list of all the candidates who have qualified with such superintendent for such political party.

(2) Except as otherwise provided in Code Section 21-2-154, it shall be unlawful for any person to add or remove any candidates from either of the lists provided for in paragraph (1) of this subsection following the posting of such lists unless such candidates have died, withdrawn, or been disqualified. Any person who violates this paragraph shall be guilty of a misdemeanor.

(e) Each candidate for party nomination described in subsection (a) of this Code section shall file an affidavit with the political party at the time of his or her qualifying stating:

(1) His or her full name and the name as the candidate desires it to be listed on the ballot. The surname of the candidate shall be the surname of the candidate as it appears on the candidate's voter registration card. After such name is certified by the political party to the Secretary of State or the election superintendent, the form of such name shall not be changed during the primary and election for which such affidavit is submitted;

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

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

(4) The name of his or her precinct;

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

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

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

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

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

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

(f) Candidates for the office of presidential elector or their agents who have been nominated in accordance with the rules of a political party shall qualify beginning at 9:00 A.M. on the Monday of the thirty-fifth week prior to the November general election in the year in which a presidential election shall be held and shall cease qualifying at 12:00 Noon on the Friday immediately following such Monday, notwithstanding the fact that any such days may be legal holidays. All qualifying for the office of presidential elector shall be conducted in the state capitol.

(g)(1) Notwithstanding any provision of law to the contrary, any elected public officer who is performing ordered military duty, as defined in Code Section 38-2-279, shall be eligible for reelection in any primary or general election which may be held to elect a successor for the next term of office, and may qualify in absentia as a candidate for reelection to such office. The performance of ordered military duty shall not create a vacancy in such office during the term for which such public officer was elected.

(2) Where the giving of written notice of candidacy is required, any elected public officer who is performing ordered military duty may deliver such notice by mail, agent, or messenger to the proper elections official. Any other act required by law of a candidate may, during the time such officer is on ordered military duty, be performed by an agent designated in writing by the absent public officer.

History.

Code 1933, § 34-1006, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1966, p. 501, § 1; Ga. L. 1969, p. 329, § 11; Code 1933, § 34-1005, enacted by Ga. L. 1970, p. 347, § 13; Ga. L. 1974, p. 4, § 1; Ga. L. 1975, p. 575, § 1; Ga. L. 1976, p. 205, § 1;

Ga. L. 1977, p. 1053, § 4; Ga. L. 1978, p. 1004, § 18; Ga. L. 1982, p. 3, § 21; Ga. L. 1982, p. 1512, § 5; Ga. L. 1983, p. 930, § 4; Ga. L. 1984, p. 1038, § 2; Ga. L. 1985, p. 206, § 1; Ga. L. 1985, p. 496, § 5; Ga. L. 1986, p. 32, § 1; Ga. L. 1987, p. 647, § 2; Ga. L. 1987, p. 1360, § 8; Ga. L. 1989, p.

643, § 5; Ga. L. 1989, p. 903, § 1; Ga. L. 1990, p. 243, § 2; Ga. L. 1992, p. 2510, § 2; Ga. L. 1993, p. 118, § 1; Ga. L. 1993, p. 617, § 5; Ga. L. 1994, p. 1406, §§ 4, 5; Ga. L. 1996, p. 145, § 2; Ga. L. 1997, p. 590, § 12; Ga. L. 1998, p. 295, § 1; Ga. L. 2001, p. 240, § 9; Ga. L. 2001, Ex. Sess., p. 325, § 7; Ga. L. 2003, p. 517, §§ 12-14; Ga. L. 2005, p. 253, § 20/HB 244; Ga. L.

2009, p. 311, § 3/HB 156; Ga. L. 2011, p. 535, § 2/HB 302; Ga. L. 2011, p. 683, § 4/SB 82; Ga. L. 2012, p. 995, § 10/SB 92; Ga. L. 2014, p. 1, § 3/HB 310; Ga. L. 2024, p. 812, § 3/HB 1207, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, rewrote subparagraph (c)(1)(B).

JUDICIAL DECISIONS

Failure to seek expedited ruling. — Appellants could not appeal the trial court’s decision declaring that each of the challenged candidates was entitled to qualify with the county election superintendent because the appellants did not do

everything in their power to have their claims decided before the election occurred but instead chose to delay the proceedings. *Catoosa County Republican Party v. Henry*, 319 Ga. 794, 906 S.E.2d 750, 2024 Ga. LEXIS 195 (2024).

PART 3

NOMINATION AND QUALIFICATION OF INDEPENDENT CANDIDATES, CANDIDATES OF POLITICAL BODIES, AND PRESIDENTIAL ELECTORS

21-2-170. Nomination of candidates by petition; form of petition; signatures; limitations as to circulation and amendment of petitions; listing of such candidates on ballots; charter or ordinance authorization.

JUDICIAL DECISIONS

Failure to file nomination petitions. — Appellants’ argument that the Secretary of State’s enforcement of the nomination-petition signature requirement of O.C.G.A. § 21-2-170 would run afoul of an injunction entered by a federal district court was rejected because the defect that prevented the independent U.S. presidential candidates from appearing on the ballot did not pertain to the number of signatures acquired, but rather that no nomination petitions were filed. *Al-Bari v. Pigg*, 319 Ga. 825, 907 S.E.2d 186, 2024 Ga. LEXIS 209 (2024).

Nomination petition filed by each

presidential elector. — Each presidential elector for an independent candidate running for the office of President of the United States is a “candidate” required to file a notice of candidacy under O.C.G.A. § 21-2-132(d)(1). O.C.G.A. § 21-2-132(e) applies to each presidential elector for an independent candidate running for the office of President of the United States, and each presidential elector is therefore required to file a nomination petition in his or her own name in the form prescribed in O.C.G.A. § 21-2-120. *Al-Bari v. Pigg*, 319 Ga. 825, 907 S.E.2d 186, 2024 Ga. LEXIS 209 (2024).

21-2-172. Nomination of presidential electors and candidates of political bodies by convention.

(a) Any political party desiring to nominate its presidential electors by convention, any political body desiring to nominate its candidates qualifying with petitions by convention, and any political body desiring

to nominate its candidates for state-wide public office by convention by virtue of qualifying under Code Section 21-2-180 shall, through its state executive committee, adopt rules and regulations in conformity with this Code section governing the holding of such conventions for the nomination of candidates for any state, district, or county office. Such rules and regulations shall be filed with the Secretary of State, and no amendment to such rules and regulations shall be effective unless filed with the Secretary of State at least 30 days prior to the date of such convention. The state party or body chairperson of such political party or body and its secretary shall accompany the filing of such rules and regulations with their certificate certifying that the rules and regulations therein filed are a true and correct copy of the rules and regulations of the party pertaining to the nomination of candidates by the convention method.

(b) The Secretary of State shall examine all such rules and all amendments thereto as shall be filed with him or her within 15 days after receipt thereof. If, in the opinion of the Secretary of State, any rule or regulation, or any part thereof, does not meet the requirements prescribed by this Code section, he or she shall notify the state party or body chairperson and secretary of such party or body in writing, stating therein his or her reasons for rejecting such rule or regulation. If, in the judgment of the Secretary of State, such rules and regulations meet the requirements prescribed by this Code section, they shall be approved.

(c) The Secretary of State shall not approve any such rules or regulations unless they provide:

(1) That a notice of the proposed date for the holding of any such convention must be published in a newspaper having a general circulation within the area to be affected at least ten days prior to the date of any such convention. Such notice shall also state the purpose for which the convention has been called;

(2) That delegates to the convention shall be certified pursuant to appropriate party or body rules by the proper party or body officials;

(3) That delegates to the convention shall be apportioned in such manner as will properly reflect the number of electors residing within the political subdivisions or areas affected in accordance with the last United States decennial census, or apportioned according to the number of votes received by the party's candidate for the office of President of the United States in the last presidential election in the areas concerned, or apportioned according to the number of votes received by the party's candidate for the office of Governor of Georgia in the last gubernatorial election in the areas concerned;

(4) In the event that more than one county is involved, each county shall have at least one delegate to the convention, and such addi-

tional delegates as shall be allotted thereto shall be apportioned according to paragraph (3) of this subsection; and

(5) That a certified copy of the minutes of the convention, attested to by the chairperson and secretary of the convention, must be filed by the nominee with his or her nomination petition.

(d) Any candidate nominated by convention shall be required to pay to the person with whom he or she files his or her notice of candidacy the same qualifying fee or the same pauper's affidavit and qualifying petition as that required of other candidates for the same office.

(e) A convention for the purpose of nominating candidates shall be held at least 150 days prior to the date on which the general election is conducted.

(f) Nothing contained within this Code section shall be construed so as to apply to the nomination of substitute candidates by convention pursuant to Code Section 21-2-134 or to the nomination of candidates in special elections.

(g) Notwithstanding any provision of law to the contrary, any political party or political body which has obtained ballot access in no fewer than 20 states or territories for the office of presidential elector shall be allowed to qualify candidates for presidential elector and receive access to the general election ballot for the purpose of election of the office of presidential elector.

History.

Code 1933, § 34-1012, enacted by Ga. L. 1970, p. 347, § 13; Ga. L. 1986, p. 890, § 4; Ga. L. 1987, p. 34, § 1; Ga. L. 1987, p. 647, § 3; Ga. L. 1989, p. 643, § 7; Ga. L. 1990, p. 53, § 1; Ga. L. 1998, p. 295, § 1; Ga. L. 2001, Ex. Sess., p. 325, § 8; Ga. L. 2014, p. 1, § 4/HB 310; Ga. L. 2019, p. 7, § 4/HB 316; Ga. L. 2024, p. 1028, § 3.1/SB 189, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, added subsection (g).

Law reviews.

For article on the 2024 amendment of this Code section, see 41 Ga. St. U.L. Rev. 147 (2024).

ARTICLE 6

REGISTRATION OF VOTERS

21-2-217. Rules for determining residence.

(a) In determining the residence of a person desiring to register to vote or to qualify to run for elective office, the following rules shall be followed so far as they are applicable:

(1) The residence of any person shall be held to be in that place in which such person's habitation is fixed, without any present intention of removing therefrom;

(1.1) The mailing address for election purposes of any person of this state who is homeless and without a permanent address shall be the registrar's office of the county in which such person resides;

(2) A person shall not be considered to have lost such person's residence who leaves such person's home and goes into another state or county or municipality in this state, for temporary purposes only, with the intention of returning, unless such person shall register to vote or perform other acts indicating a desire to change such person's citizenship and residence; provided, however, that:

(A) If a person registers to vote in another state, county, municipality, or legislative district of any type or sort, that person shall be deemed to have changed his or her residency;

(B) If a person returns to his or her original or new residence after voting or registering to vote in a different or separate jurisdiction, such person shall update his or her voter registration with his or her current residency jurisdiction in order to be deemed a valid registered elector and resident of such jurisdiction for voting purposes; and

(C) Proof of ownership or rental of a post office box or private mailbox service address within a particular jurisdiction shall not constitute sufficient grounds to establish a person's residency within that particular jurisdiction;

(3) A person shall not be considered to have gained a residence in any county or municipality of this state into which such person has come for temporary purposes only without the intention of making such county or municipality such person's permanent place of abode;

(4) If a person removes to another state with the intention of making it such person's residence, such person shall be considered to have lost such person's residence in this state;

(4.1) If a person removes to another county or municipality in this state with the intention of making it such person's residence, such person shall be considered to have lost such person's residence in the former county or municipality in this state;

(5) If a person removes to another state with the intention of remaining there an indefinite time and making such state such person's place of residence, such person shall be considered to have lost such person's residence in this state, notwithstanding that such person may intend to return at some indefinite future period;

(6) If a person removes to another county or municipality within this state with the intention of remaining there an indefinite time and making such other county or municipality such person's place of

residence, such person shall be considered to have lost such person's residence in the former county or municipality, notwithstanding that such person may intend to return at some indefinite future period;

(7) The residence for voting purposes of a person shall not be required to be the same as the residence for voting purposes of his or her spouse;

(8) No person shall be deemed to have gained or lost a residence by reason of such person's presence or absence while enrolled as a student at any college, university, or other institution of learning in this state;

(9) The mere intention to acquire a new residence, without the fact of removal, shall avail nothing; neither shall the fact of removal without the intention;

(10) No member of the armed forces of the United States shall be deemed to have acquired a residence in this state by reason of being stationed on duty in this state;

(11) If a person removes to the District of Columbia or other federal territory, another state, or foreign country to engage in government service, such person shall not be considered to have lost such person's residence in this state during the period of such service; and the place where the person resided at the time of such person's removal shall be considered and held to be such person's place of residence;

(12) If a person is adjudged mentally ill and is committed to an institution for the mentally ill, such person shall not be considered to have gained a residence in the county in which the institution to which such person is committed is located;

(13) If a person goes into another state and while there exercises the right of a citizen by voting, such person shall be considered to have lost such person's residence in this state;

(14) The specific address in the county or municipality in which a person has declared a homestead exemption, if a homestead exemption has been claimed, shall be deemed the person's residence address; and

(15) For voter registration purposes, the board of registrars and, for candidacy residency purposes, the Secretary of State, election superintendent, or hearing officer may consider evidence of where the person receives significant mail such as personal bills and any other evidence that indicates where the person resides.

(b) In determining a voter's qualification to register and vote, the registrars to whom such application is made shall consider, in addition

to the applicant’s expressed intent, any relevant circumstances determining the applicant’s residence. The registrars taking such registration may consider the applicant’s financial independence; business pursuits; employment; income sources; residence for income tax purposes; age; marital status; residence of parents, spouse, and children, if any; leaseholds; sites of personal and real property owned by the applicant; motor vehicle and other personal property registration; National Change of Address program information sponsored by the United States Postal Service; and other such factors that the registrars may reasonably deem necessary to determine the qualification of an applicant to vote in a primary or election. The decision of the registrars to whom such application is made shall be presumptive evidence of a person’s residence for voting purposes.

History.

Code 1981, § 21-2-217, enacted by Ga. L. 1994, p. 1443, § 3; Ga. L. 1998, p. 295, § 1; Ga. L. 1999, p. 21, § 1; Ga. L. 1999, p. 52, § 9; Ga. L. 2003, p. 517, § 16; Ga. L. 2024, p. 1028, § 4/SB 189, effective January 1, 2025; Ga. L. 2025, p. 1029, § 21(1)/SB 153, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, part of an Act to revise, modern-

ize, and correct the Code, substituted “his or her” for “their” in two places in subparagraph (a)(2)(B) and revised punctuation in subsection (b).

Law reviews.

For article on the 2024 amendment of this Code section, see 41 Ga. St. U.L. Rev. 147 (2024).

21-2-225.1. Confidentiality of address of registered electors; term of request; procedure.

Law reviews.

For article, “Problems, Old and new: A

History of Public Records law in Georgia,” see 6 Ga. L. Rev. 1 (2025).

21-2-230. Challenge of persons on list of electors by other electors; procedure; hearing; right of appeal.

(a) Any elector of the county or municipality may challenge the right of any other elector of the county or municipality, whose name appears on the list of electors, to vote in an election. Such challenge shall be in writing and specify distinctly the grounds of such challenge. Such challenge may be made at any time prior to the elector whose right to vote is being challenged voting at the elector’s polling place or, if such elector cast an absentee ballot, prior to 5:00 P.M. on the day before the absentee ballots are to begin to be scanned and tabulated; provided, however, that challenges to persons voting by absentee ballot in person at the office of the registrars or the absentee ballot clerk shall be made prior to such person’s voting. There shall not be a limit on the number of persons whose qualifications such elector may challenge.

(b) Upon the filing of such challenge, the board of registrars shall

immediately consider such challenge and determine whether probable cause exists to sustain such challenge. If the registrars do not find probable cause, the challenge shall be denied. If the registrars find probable cause, the registrars shall notify the poll officers of the challenged elector's precinct or, if the challenged elector voted by absentee ballot, notify the poll officers at the absentee ballot precinct and, if practical, notify the challenged elector and afford such elector an opportunity to answer. Probable causes shall include, but not be limited to, an elector who is deceased; an elector voting or registering to vote in a different jurisdiction; an elector obtaining a homestead exemption in a different jurisdiction; or an elector being registered at a nonresidential address as confirmed or listed by or in a government office, data base, website, or publicly available sources derived solely from such governmental sources. If a challenged elector's name appears on the National Change of Address data base, as maintained by the United States Postal Service, as having changed such elector's residence to a different jurisdiction, the presence of such elector's name on such data base shall be insufficient cause to sustain the challenge against the elector unless additional evidence would indicate that the elector has lost his or her residency as determined pursuant to Code Section 21-2-217; provided, however, that:

- (1) Any challenge of an elector within 45 days of a primary, run-off primary, election, or run-off election shall be postponed until the certification of such primary, election, or runoff is completed; and
- (2) Any challenge of an elector who is determined eligible pursuant to the residency determinations provided for in paragraph (8), (10), or (11) of subsection (a) of Code Section 21-2-217 shall be deemed insufficient to sustain such challenge.
- (c) If the challenged elector appears at the polling place to vote, such elector shall be given the opportunity to appear before the registrars and answer the grounds of the challenge.
- (d) If the challenged elector does not cast an absentee ballot and does not appear at the polling place to vote and if the challenge is based on grounds other than the qualifications of the elector to remain on the list of electors, no further action by the registrars shall be required.
- (e) If the challenged elector cast an absentee ballot and it is not practical to conduct a hearing prior to the close of the polls and the challenge is based upon grounds other than the qualifications of the elector to remain on the list of electors, the absentee ballot shall be treated as a challenged ballot pursuant to subsection (e) of Code Section 21-2-386. No further action by the registrars shall be required.
- (f) If the challenged elector does not cast an absentee ballot and does not appear at the polling place to vote and the challenge is based on the

grounds that the elector is not qualified to remain on the list of electors, the board of registrars shall proceed to hear the challenge pursuant to Code Section 21-2-229.

(g) If the challenged elector cast an absentee ballot and the challenge is based upon grounds that the challenged elector is not qualified to remain on the list of electors, the board of registrars shall proceed to conduct a hearing on the challenge on an expedited basis prior to the certification of the consolidated returns of the election by the election superintendent. The election superintendent shall not certify such consolidated returns until such hearing is complete and the registrars have rendered their decision on the challenge. If the registrars deny the challenge, the superintendent shall proceed to certify the consolidated returns. If the registrars uphold the challenge, the name of the challenged elector shall be removed from the list of electors and the ballot of the challenged elector shall be rejected and not counted and, if necessary, the returns shall be adjusted to remove any votes cast by such elector. The elector making the challenge and the challenged elector may appeal the decision of the registrars in the same manner as provided in subsection (e) of Code Section 21-2-229.

(h) If the challenged elector appears at the polls to vote and it is practical to conduct a hearing on the challenge prior to the close of the polls, the registrars shall conduct such hearing and determine the merits of the challenge. If the registrars deny the challenge, the elector shall be permitted to vote in the election notwithstanding the fact that the polls may have closed prior to the time the registrars render their decision and the elector can actually vote, provided that the elector proceeds to vote immediately after the decision of the registrars. If the registrars uphold the challenge, the challenged elector shall not be permitted to vote and, if the challenge is based upon the grounds that the elector is not qualified to remain on the list of electors, the challenged elector's name shall be removed from the list of electors.

(i) If the challenged elector appears at the polls to vote and it is not practical to conduct a hearing prior to the close of the polls or if the registrars begin a hearing and subsequently find that a decision on the challenge cannot be rendered within a reasonable time, the challenged elector shall be permitted to vote by casting a challenged ballot on the same type of ballot that is used by the county or municipality for provisional ballots. Such challenged ballot shall be sealed in double envelopes as provided in subsection (a) of Code Section 21-2-419 and, after having the word "Challenged," the elector's name, and the alleged cause of the challenge written across the back of the outer envelope, the ballot shall be deposited by the person casting such ballot in a secure, sealed ballot box notwithstanding the fact that the polls may have closed prior to the time the registrars make such a determination,

provided that the elector proceeds to vote immediately after such determination of the registrars. In such cases, if the challenge is based upon the grounds that the challenged elector is not qualified to remain on the list of electors, the registrars shall proceed to finish the hearing prior to the certification of the consolidated returns of the election by the election superintendent. If the challenge is based on other grounds, no further action shall be required by the registrars. The election superintendent shall not certify such consolidated returns until such hearing is complete and the registrars have rendered their decision on the challenge. If the registrars deny the challenge, the superintendent shall proceed to certify the consolidated returns. If the registrars uphold the challenge, the name of the challenged elector shall be removed from the list of electors and the ballot of the challenged elector shall be rejected and not counted and, if necessary, the returns shall be adjusted to remove any votes cast by such elector. The elector making the challenge and the challenged elector may appeal the decision of the registrars in the same manner as provided in subsection (e) of Code Section 21-2-229.

(j) Failure to comply with the provisions of this Code section by the board of registrars shall subject such board to sanctions by the State Election Board.

(k) Any challenge of an elector that occurs during a primary or general election shall continue through the run-off primary or run-off election of such primary or general election.

History.

Code 1981, § 21-2-230, enacted by Ga. L. 1994, p. 1443, § 3; Ga. L. 1995, p. 8, § 1; Ga. L. 1998, p. 295, § 1; Ga. L. 1998, p. 1231, §§ 6, 30; Ga. L. 2000, p. 135, § 1; Ga. L. 2003, p. 517, § 22; Ga. L. 2005, p. 253, § 27/HB 244; Ga. L. 2010, p. 914, § 12/HB 540; Ga. L. 2012, p. 995, § 18/SB 92; Ga. L. 2019, p. 7, § 8/HB 316; Ga. L. 2021, p. 14, § 16/SB 202; Ga. L. 2024, p. 1028, § 5/SB 189, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, in subsection (b), added the last two sentences and added paragraphs (b)(1) and (b)(2); and added subsection (k).

Law reviews.

For article on the 2024 amendment of this Code section, see 41 Ga. St. U.L. Rev. 147 (2024).

ARTICLE 8

VOTING BY BALLOT

21-2-283.1. Ballot proof check and review procedures.

(a) As used in this Code section, the term “ballot proof” means a draft version of a proposed official ballot that is reviewed by a superintendent or candidate to ensure the accuracy of the information contained on the final official ballot used in an election.

(b) In any primary, special primary, election, or special election occurring after January 1, 2025, prior to the printing of the final official ballots or the final programming of the display of the official ballot on electronic ballot markers pursuant to Code Section 21-2-379.25, the superintendent shall check the ballot proof to ensure the accuracy of the official ballot by verifying that:

(1) The ballots for each precinct contain the correct contests for the voters in that precinct and no other contests;

(2) The ballots for each precinct contain the correct ballot questions for the voters in that precinct and no other questions; and

(3) The name, political party or political body designation, incumbency status, and other identifying information for each candidate appearing on such ballots are properly displayed.

(c) After the superintendent has completed the ballot review and proofing procedures provided for in subsection (b) of this Code section, and has made any needed corrections, but before the ballots have been approved and sent to print or for final programming pursuant to Code Section 21-2-379.25, the superintendent shall make available the final set of approved ballot proofs, clearly marked as ballot proofs, to any candidate appearing on the ballot, or such candidate's agent, using at least one of the following procedures:

(1) By email, if the candidate has provided an email address at the time of qualifying; or

(2) By making physical copies available for review at the office of the superintendent during normal business hours.

The ballot proof review procedures to be used in an election are at the sole discretion of the superintendent.

(d) Candidates appearing on the ballot proof provided for by subsection (c) of this Code section shall have 24 hours from the time that the superintendent makes ballot proofs available for review to verify that the candidate's name, other identifying information such as party or incumbency, and other relevant information are properly displayed on the ballot and to request changes to be made by the superintendent.

(e)(1) In the event that a candidate requests a change to a ballot proof pursuant to subsection (d) of this Code section, the superintendent, at its sole discretion, may make such requested change if it determines that the requested change will ensure the accuracy of the information displayed on the ballot.

(2) In the event that the superintendent makes a change to a ballot proof pursuant to paragraph (1) of this subsection, and if time permits, as determined in the sole discretion of the superintendent,

the superintendent may provide new ballot proofs to a candidate or candidates for review using the same procedures as provided for in subsection (c) of this Code section.

History.

Code 1981, § 21-2-283.1, enacted by Ga. L. 2024, p. 812, § 4/HB 1207, effective July 1, 2024.

Effective date.

This Code section became effective July 1, 2024.

Code Commission notes.

Pursuant to Code Section 28-9-5, in 2024, “status” was substituted for “statutes” in paragraph (b)(3).

ARTICLE 8A**STATE-WIDE VOTING EQUIPMENT****21-2-300. Provision of new voting equipment by state; uniform system using ballot scanners; pilot programs; county obligations; use of physical ballots.**

(a)(1) The equipment used for casting and counting votes in county, state, and federal elections shall be the same in each county in this state and shall be provided to each county by the state, as determined by the Secretary of State.

(2) As soon as possible, once such equipment is certified by the Secretary of State as safe and practicable for use, all federal, state, and county general primaries and general elections as well as special primaries and special elections in the State of Georgia shall be conducted with the use of scanning ballots marked by electronic ballot markers and tabulated by using ballot scanners for voting at the polls and for absentee ballots cast in person, unless otherwise authorized by law; provided, however, that such electronic ballot markers shall produce paper ballots which are marked with the elector’s choices in a format readable by the elector.

(3) The state shall furnish a uniform system of electronic ballot markers and ballot scanners for use in each county as soon as possible. Such equipment shall be certified by the United States Election Assistance Commission prior to purchase, lease, or acquisition. At its own expense, the governing authority of a county may purchase, lease, or otherwise acquire additional electronic ballot markers and ballot scanners of the type furnished by the state, if the governing authority so desires. Additionally, at its own expense, the governing authority of a municipality may choose to acquire its own electronic ballot markers and ballot scanners by purchase, lease, or other procurement process.

(4) Notwithstanding any provision of law to the contrary, the Secretary of State is authorized to conduct pilot programs to test and

evaluate the use of electronic ballot markers and ballot scanners in primaries and elections in this state.

(b) Each county shall, prior to being provided with voting equipment by the state, provide polling places that are adequate for the operation of such equipment including, if necessary, the placement within the polling places of a sufficient number of electrical outlets and telephone lines.

(c) Each county shall, prior to being provided with voting equipment by the state, provide or contract for adequate technical support for the installation, set up, and operation of such voting equipment for each primary, election, and special primary and special election as the Secretary of State shall determine by rule or regulation.

(d) The Secretary of State shall be responsible for the development, implementation, and provision of a continuing program to educate voters, election officials, and poll workers in the proper use of such voting equipment. Each county shall bear the costs, including transportation, subsistence, and lodging, incurred by its election and registration officials in attending courses taught by or arranged by the Secretary of State for instruction in the use of the voting equipment.

(e)(1) Counties shall be authorized to contract with municipal governments for the use of such voting equipment in municipal elections under terms and conditions specified by the Secretary of State to assure that the equipment is properly used and kept secure.

(2) Notwithstanding the provisions of Code Section 21-2-45, counties may not levy a fee for use of state owned voting equipment but may require municipalities to reimburse the county for the actual expenses related to the election or elections that are subject to the county and municipal contract.

(f)(1) Notwithstanding any provision of this Code section to the contrary, provided that the county election superintendent has petitioned and received the approval of the State Election Board at least 10 days prior to the beginning of advance voting, in any election with less than 5,000 registered electors, such superintendent may provide the electors physical ballots on the same type of ballot that is used for absentee ballots pursuant to subsection (a) of Code Section 21-2-383 and allow electors to mark their ballot using a pen, pencil, or similar non-electronic writing tool as an alternative to using electronic ballot marking devices.

(2) Such physical ballots may only be used to conduct:

(A) Special primaries, special elections, or runoffs thereof for county offices; or

(B) Special elections to present a question to the voters of a county.

Furthermore, such primary, special primary, election, or special election shall occur independently and apart from a presidential preference primary, state-wide general primary, state-wide special primary, state-wide general election, or state-wide special election.

History.

Code 1981, § 21-2-300, enacted by Ga. L. 2001, p. 269, § 19; Ga. L. 2003, p. 517, § 28; Ga. L. 2019, p. 7, § 18/HB 316; Ga. L. 2024, p. 1028, § 6/SB 189, effective January 1, 2025.

Amendments.

The 2024 amendment, effective January 1, 2025, added subsection (f).

Law reviews.

For article on the 2024 amendment of this Code section, see 41 Ga. St. U.L. Rev. 147 (2024).

JUDICIAL DECISIONS

Format readable by elector required. — In a civil dispute concerning Georgia's electronic voting system, the dismissal of plaintiff's petition was upheld because petitioners failed to show that they were in any danger of an actual injury since O.C.G.A. § 21-2-300(a)(2) simply required that electronic ballot

markers produce paper ballots that were marked with the elector's choices in a format that could be read by the elector, and petitioners did not dispute that an elector could read their voting choices on the printed paper ballot. *Voterga v. State*, 368 Ga. App. 119, 889 S.E.2d 322, 2023 Ga. App. LEXIS 271 (2023).

ARTICLE 9

VOTING MACHINES AND VOTE RECORDERS GENERALLY

PART 2

VOTING MACHINES

21-2-321. Referendum on question of use of voting machines.

JUDICIAL DECISIONS

Complaints failed to name any defendant. — Trial courts properly dismissed appellants' nearly identical complaints alleging that the voting system used the day of a runoff election for a U.S. Senate seat did not comply with Georgia

law because the complaints did not name any defendant and appellants failed to serve any defendant. *In re* December 6, 316 Ga. 843, 889 S.E.2d 811, 2023 Ga. LEXIS 138 (2023).

PART 4

OPTICAL SCANNING VOTING SYSTEMS

21-2-367. Installation of systems; number of systems; good working order.

(a) When the use of optical scanning voting systems has been authorized in the manner prescribed in this part, such optical scanning voting systems shall be installed, either simultaneously or gradually, within the county or municipality.

(b)(1) In each precinct in which optical scanning voting systems are used in a state-wide general election, except as provided for in paragraph (2) of this subsection, the county election superintendent shall provide at least one voting booth or enclosure for each 250 electors therein, or fraction thereof.

(2) For any primary, election, or runoff, the county or municipal election superintendent may provide a greater or lesser number of voting booths or enclosures if, after a thorough consideration of the type of election, expected turnout, the number of electors who have already voted by advance voting or absentee ballot, and other relevant factors that inform the appropriate amount of equipment needed, such superintendent determines that a different amount of equipment is needed or sufficient. Such determination shall be subject to the provisions of Code Section 21-2-263.

(c) Reserved.

(d) The county or municipal governing authority, as appropriate, shall provide optical scanning voting systems in good working order and of sufficient capacity to accommodate the names of a reasonable number of candidates for all party offices and nominations and public offices which, under the provisions of existing laws and party rules, are likely to be voted for at any future primary or election.

History.

Code 1981, § 21-2-367, enacted by Ga. L. 1998, p. 1231, § 37; Ga. L. 1999, p. 29, § 1; Ga. L. 2005, p. 253, § 46/HB 244; Ga. L. 2019, p. 7, § 20/HB 316; Ga. L. 2021, p. 14, § 22/SB 202; Ga. L. 2024, p. 812, § 5/HB 1207, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, inserted “except as provided for in paragraph (2) of this subsection,” in paragraph (b)(1); and deleted “other” preceding “primary” near the beginning of paragraph (b)(2).

21-2-372. Ballot description; watermark required.

Ballots shall be of suitable design, size, and stock to permit processing by a ballot scanner and shall be printed in black ink on clear, white, or colored material. Other than ballots delivered electronically to qualified

electors who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et seq., the ballots shall be printed on security paper that incorporates features which can be used to authenticate the ballot as an official ballot but which do not make the ballot identifiable to a particular elector, provided that at least one such feature is a visible watermark that identifies the ballot as an official Georgia ballot.

History.

Code 1981, § 21-2-372, enacted by Ga. L. 1998, p. 1231, § 37; Ga. L. 1999, p. 29, § 1; Ga. L. 2019, p. 7, § 22/HB 316; Ga. L. 2021, p. 14, § 23/SB 202; Ga. L. 2024, p. 758, § 1/HB 974, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, added “, provided that at least one such feature is a visible watermark that identifies the ballot as an official Georgia ballot” at the end of this Code section.

PART 6

ELECTRONIC BALLOTING

21-2-379.23. (Effective until July 1, 2026.) Requirements for ballot display; official ballot for recount.

(a) The ballot display information and appearance on an electronic ballot marker shall conform as nearly as practicable to Code Sections 21-2-379.4 and 21-2-379.5.

(b) The form and arrangement of ballots marked and printed by an electronic ballot marker shall be prescribed by the Secretary of State; provided, however, that such ballots shall be printed on security paper that incorporates features which can be used to authenticate the ballot as an official ballot but which do not make the ballot identifiable to a particular elector; provided, further, that at least one such feature is a visible watermark that identifies the ballot as an official Georgia ballot.

(c) Notwithstanding any other law to the contrary, ballots marked and printed by an electronic ballot marker shall, at a minimum, contain:

- (1) The words “OFFICIAL BALLOT”;
- (2) The name and date of the election;
- (3) The titles of the respective offices for which the elector is eligible to vote;
- (4) Words identifying the proposed constitutional amendments or other questions for which the elector is eligible to vote;
- (5) The name of the candidate and, for partisan offices, indication of the candidate’s political party or political body affiliation, or the answer to the proposed constitutional amendment or other question for which the elector intends to vote; and

- (6) Clear indication that the elector has not marked a vote for any particular office, constitutional amendment, or other question.
- (d) The paper ballot marked and printed by the electronic ballot marker shall constitute the official ballot and shall be used for, and govern the result in, any recount conducted pursuant to Code Section 21-2-495 and any audit conducted pursuant to Code Section 21-2-498.
- (e) Each ballot printed by an electronic ballot marker shall include the name and designation of the precinct at the top.

History.

Code 1981, § 21-2-379.23, enacted by Ga. L. 2019, p. 7, § 26/HB 316; Ga. L. 2021, p. 14, § 23A/SB 202; Ga. L. 2024, p. 758, § 2/HB 974, effective July 1, 2024.

Delayed effective date.

Code Section 21-2-379.23 is set out twice in this Code. This version is effective until July 1, 2026. For version effective July 1, 2026, see the following version.

Amendments.

The 2024 amendment, effective July 1, 2024, added the proviso at the end of subsection (b).

Law reviews.

For article on the 2024 amendment of this Code section, see 41 Ga. St. U.L. Rev. 147 (2024).

21-2-379.23. (Effective July 1, 2026.) Requirements for ballot display; official ballot for vote tabulation, recount, and audit.

- (a) The ballot display information and appearance on an electronic ballot marker shall conform as nearly as practicable to Code Sections 21-2-379.4 and 21-2-379.5.
- (b) The form and arrangement of ballots marked and printed by an electronic ballot marker shall be prescribed by the Secretary of State; provided, however, that such ballots shall be printed on security paper that incorporates features which can be used to authenticate the ballot as an official ballot but which do not make the ballot identifiable to a particular elector; provided, further, that at least one such feature is a visible watermark that identifies the ballot as an official Georgia ballot.
- (c) Notwithstanding any other law to the contrary, ballots marked and printed by an electronic ballot marker shall, at a minimum, contain:
 - (1) The words “OFFICIAL BALLOT”;
 - (2) The name and date of the election;
 - (3) The titles of the respective offices for which the elector is eligible to vote;
 - (4) Words identifying the proposed constitutional amendments or other questions for which the elector is eligible to vote;
 - (5) The name of the candidate and, for partisan offices, indication

of the candidate's political party or political body affiliation, or the answer to the proposed constitutional amendment or other question for which the elector intends to vote; and

(6) Clear indication that the elector has not marked a vote for any particular office, constitutional amendment, or other question.

(d) The text portion of the paper ballot marked and printed by the electronic ballot marker indicating the elector's selection shall constitute the official ballot and shall constitute the official vote for purposes of vote tabulation, any recount conducted pursuant to Code Section 21-2-495, and any audit conducted pursuant to Code Section 21-2-498. The official tabulation count of any ballot scanner shall be based upon the text portion or the machine mark, provided that such mark clearly denotes the elector's selection and does not use a QR code, bar code, or similar coding, of such ballots and not any machine coding that may be printed on such ballots.

(e) Each ballot printed by an electronic ballot marker shall include the name and designation of the precinct at the top.

History.

Code 1981, § 21-2-379.23, enacted by Ga. L. 2019, p. 7, § 26/HB 316; Ga. L. 2021, p. 14, § 23A/SB 202; Ga. L. 2024, p. 758, § 2/HB 974, effective July 1, 2024; Ga. L. 2024, p. 974, § 7/SB 189, effective July 1, 2026.

Delayed effective date.

Code Section 21-2-379.23 is set out twice in this Code. This version is effective July 1, 2026. For version effective until July 1, 2026, see the preceding version.

Amendments.

The first 2024 amendment, effective July 1, 2024, added the proviso at the end of subsection (b).

The second 2024 amendment, effective July 1, 2026, in subsection (d), rewrote the first sentence and added the second sentence.

Law reviews.

For article on the 2024 amendment of this Code section, see 41 Ga. St. U.L. Rev. 147 (2024).

ARTICLE 10

ABSENTEE VOTING

21-2-386. Procedures regarding absentee ballots.

(a)(1)(A) The board of registrars or absentee ballot clerk shall keep safely, unopened, and stored in a manner that will prevent tampering and unauthorized access to and shall document authorized access to all official absentee ballots received from absentee electors prior to the closing of the polls on the day of the primary or election except as otherwise provided in this subsection.

(B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the receipt of the ballot on its envelope. The registrar or clerk shall then compare the number of the elector's Georgia driver's license number or state identification card issued

pursuant to Article 5 of Chapter 5 of Title 40 and date of birth entered on the absentee ballot envelope with the same information contained in the elector's voter registration records. If the elector has affirmed on the envelope that he or she does not have a Georgia driver's license or state identification card issued pursuant to Article 5 of Chapter 5 of Title 40, the registrar or clerk shall compare the last four digits of the elector's social security number and date of birth entered on the envelope with the same information contained in the elector's voter registration records. The registrar or clerk shall also confirm that the elector signed the oath and the person assisting the elector, if any, signed the required oath. If the elector has signed the elector's oath, the person assisting has signed the required oath, if applicable, and the identifying information entered on the absentee ballot envelope matches the same information contained in the elector's voter registration record, the registrar or clerk shall so certify by signing or initialing his or her name below the voter's oath. Each elector's name so certified shall be listed by the registrar or clerk on the numbered list of absentee voters prepared for his or her precinct. All accepted absentee ballots shall be securely stored in either a sealed container or appropriately secured in an access controlled room that will prevent tampering or unauthorized access prior to the scanning of such ballots.

(C) If the elector has failed to sign the oath, or if the identifying information entered on the absentee ballot envelope does not match the same information appearing in the elector's voter registration record, or if the elector has failed to furnish required information or information so furnished does not conform with that on file in the registrar's or clerk's office, or if the elector is otherwise found disqualified to vote, the registrar or clerk shall write across the face of the envelope "Rejected," giving the reason therefor. The board of registrars or absentee ballot clerk shall promptly notify the elector of such rejection, a copy of which notification shall be retained in the files of the board of registrars or absentee ballot clerk for at least two years. Such elector shall have until the end of the period for verifying provisional ballots contained in subsection (c) of Code Section 21-2-419 to cure the problem resulting in the rejection of the ballot. The elector may cure a failure to sign the oath, nonmatching identifying information, or missing information by submitting an affidavit to the board of registrars or absentee ballot clerk along with a copy of one of the forms of identification enumerated in subsection (c) of Code Section 21-2-417 before the close of such period. The affidavit shall affirm that the ballot was submitted by the elector, is the elector's ballot, and that the elector is registered and qualified to vote in the primary, election, or runoff

in question. If the board of registrars or absentee ballot clerk finds the affidavit and identification to be sufficient, the absentee ballot shall be counted.

(D) An elector who registered to vote by mail, but did not comply with subsection (c) of Code Section 21-2-220, and who votes for the first time in this state by absentee ballot shall include with his or her application for an absentee ballot or in the outer oath envelope of his or her absentee ballot either one of the forms of identification listed in subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of such elector. If such elector does not provide any of the forms of identification listed in this subparagraph with his or her application for an absentee ballot or with the absentee ballot, such absentee ballot shall be deemed to be a provisional ballot and such ballot shall only be counted if the registrars are able to verify current and valid identification of the elector as provided in this subparagraph within the time period for verifying provisional ballots pursuant to Code Section 21-2-419. The board of registrars or absentee ballot clerk shall promptly notify the elector that such ballot is deemed a provisional ballot and shall provide information on the types of identification needed and how and when such identification is to be submitted to the board of registrars or absentee ballot clerk to verify the ballot.

(E) Three copies of the numbered list of voters shall also be prepared for such rejected absentee electors, giving the name of the elector and the reason for the rejection in each case. Three copies of the numbered list of certified absentee voters and three copies of the numbered list of rejected absentee voters for each precinct shall be turned over to the poll manager in charge of counting the absentee ballots and shall be distributed as required by law for numbered lists of voters.

(F) All absentee ballots returned to the board or absentee ballot clerk after the closing of the polls on the day of the primary or election shall be safely kept unopened by the board or absentee ballot clerk and then transferred to the appropriate clerk with the documentation provided for in subparagraph (a)(1)(A) of this Code section for storage in a manner that will prevent tampering for the period of time required for the preservation of ballots used at the primary or election and shall then, without being opened, be destroyed in like manner as the used ballots of the primary or election. The board of registrars or absentee ballot clerk shall promptly notify the elector by first-class mail that the elector's ballot was returned too late to be counted and that the elector will

not receive credit for voting in the primary or election. All such late absentee ballots shall be delivered to the appropriate clerk and stored as provided in Code Section 21-2-390.

(G) Notwithstanding any provision of this chapter to the contrary, until the United States Department of Defense notifies the Secretary of State that the Department of Defense has implemented a system of expedited absentee voting for those electors covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by eligible absentee electors who reside outside the county or municipality in which the primary, election, or runoff is held and are members of the armed forces of the United States, members of the merchant marine of the United States, spouses or dependents of members of the armed forces or merchant marine residing with or accompanying such members, or overseas citizens that are postmarked by the date of such primary, election, or runoff and are received within the three-day period following such primary, election, or runoff, if proper in all other respects, shall be valid ballots and shall be counted and included in the certified election results.

(2)(A) Beginning at 8:00 A.M. on the third Monday prior to the day of the primary, election, or runoff, the election superintendent shall be authorized to open the outer oath envelope of absentee ballots that have been verified and accepted pursuant to subparagraph (a)(1)(B) of this Code section, remove the contents of such outer envelope, open the inner envelope marked "Official Absentee Ballot," and scan the absentee ballot using one or more ballot scanners. At least three persons who are registrars, deputy registrars, poll workers, or absentee ballot clerks shall be present before commencing; and three persons who are registrars, deputy registrars, or absentee ballot clerks shall be present at all times while the sealed containers containing verified and accepted absentee ballots are unsealed and verified for integrity, while the absentee ballot envelopes are opened, and while the absentee ballots are scanned. However, no person shall tally, tabulate, estimate, or attempt to tally, tabulate, or estimate or cause the ballot scanner or any other equipment to produce any tally or tabulate, partial or otherwise, of the absentee ballots cast until the time for the closing of the polls on the day of the primary, election, or runoff except as provided in this Code section. Prior to beginning the process set forth in this paragraph, the superintendent shall provide written notice to the Secretary of State in writing at least seven days prior to processing and scanning absentee ballots. Such notice shall contain the dates, start and end times, and location or locations where absentee ballots will be processed and scanned. The superintendent shall also post such notice publicly in a prominent location in the

superintendent's office and on the home page of the county election superintendent's website, if the county election superintendent maintains such a website. The Secretary of State shall publish on his or her website the information he or she receives from superintendents stating the dates, times, and locations where absentee ballots will be processed.

(B) The proceedings set forth in this paragraph shall be open to the view of the public, but no person except one employed and designated by the superintendent shall touch any ballot or ballot container. Any person involved in processing and scanning absentee ballots shall swear an oath, in the same form as the oath for poll officers provided in Code Section 21-2-95, prior to beginning the processing and scanning of absentee ballots. The county executive committee or, if there is no organized county executive committee, the state executive committee of each political party and political body having candidates whose names appear on the ballot for such election shall have the right to designate two persons and each independent and nonpartisan candidate whose name appears on the ballot for such election shall have the right to designate one person to act as monitors for such process. In the event that the only issue to be voted upon in an election is a referendum question, the superintendent shall also notify in writing the chief judge of the superior court of the county who shall appoint two electors of the county to monitor such process. While viewing or monitoring the process set forth in this paragraph, monitors and observers shall be prohibited from:

(i) In any way interfering with the processing or scanning of absentee ballots or the conduct of the election;

(ii) Using or bringing into the room any photographic or other electronic monitoring or recording devices, cellular telephones, or computers;

(iii) Engaging in any form of campaigning or campaign activity;

(iv) Taking any action that endangers the secrecy and security of the ballots;

(v) Touching any ballot or ballot container;

(vi) Tallying, tabulating, estimating, or attempting to tally, tabulate, or estimate, whether partial or otherwise, any of the votes on the absentee ballots cast; and

(vii) Communicating any information that they see while monitoring the processing and scanning of the absentee ballots, whether intentionally or inadvertently, about any ballot, vote, or

selection to anyone other than an election official who needs such information to lawfully carry out his or her official duties.

(C) The State Election Board shall promulgate rules requiring reconciliation procedures; prompt and undelayed scanning of ballots after absentee ballot envelopes are opened; secrecy of election results prior to the closing of the polls on the day of a primary, election, or runoff; and other protections to protect the integrity of the process set forth in this paragraph.

(D) At the conclusion of the scanning of ballots, such scanned ballots shall be stored in tamper-resistant containers sealed with numbered seals, the number of which shall be recorded on the chain of custody document specified by the Secretary of State, and such forms shall be signed by the person storing the ballots and the date and time of storage shall be entered on such forms.

(3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on the day of the primary, election, or runoff begin tabulating the absentee ballots; provided, however, that all absentee ballots that have been verified and accepted pursuant to subparagraph (a)(1)(B) of this Code section by the Monday prior to the day of the primary, election, or runoff shall be tabulated and the results reported by no later than 8:00 P.M. on the day of such primary, election, or runoff or within one hour of the closing of all polls in such county, whichever occurs later. If the county election superintendent chooses to open the inner envelopes and begin tabulating such ballots prior to the close of the polls on the day of the primary, election, or runoff, the superintendent shall notify in writing, at least seven days prior to the primary, election, or runoff, the Secretary of State of the superintendent's intent to begin the absentee ballot tabulation prior to the close of the polls. The county executive committee or, if there is no organized county executive committee, the state executive committee of each political party and political body having candidates whose names appear on the ballot for such election in such county shall have the right to designate two persons and each independent and nonpartisan candidate whose name appears on the ballot for such election in such county shall have the right to designate one person to act as monitors for such process. In the event that the only issue to be voted upon in an election is a referendum question, the superintendent shall also notify in writing the chief judge of the superior court of the county who shall appoint two electors of the county to monitor such process.

(4) The county election superintendent shall publish a written notice in the superintendent's office of the superintendent's intent to begin the absentee ballot tabulation prior to the close of the polls and publish such notice at least one week prior to the primary, election, or runoff in the legal organ of the county.

(5) The process for opening absentee ballot envelopes, scanning absentee ballots, and tabulating absentee ballots on the day of a primary, election, or runoff as provided in this subsection shall be conducted in a manner to maintain the secrecy of all ballots and to protect the disclosure of any balloting information before 7:00 P.M. on election day. No absentee ballots shall be tabulated before 7:00 A.M. on the day of a primary, election, or runoff.

(6) All persons conducting the tabulation of absentee ballots during the day of a primary, election, or runoff, including the vote review panel required by Code Section 21-2-483, and all monitors and observers shall be sequestered until the time for the closing of the polls. All such persons shall have no contact with the news media; shall have no contact with other persons not involved in monitoring, observing, or conducting the tabulation; shall not use any type of communication device including radios, telephones, and cellular telephones; shall not utilize computers for the purpose of email, instant messaging, or other forms of communication; and shall not communicate any information concerning the tabulation until the time for the closing of the polls; provided, however, that supervisory and technical assistance personnel shall be permitted to enter and leave the area in which the tabulation is being conducted but shall not communicate any information concerning the tabulation to anyone other than the county election superintendent; the staff of the superintendent; those persons conducting, observing, or monitoring the tabulation; and those persons whose technical assistance is needed for the tabulation process to operate.

(7) The absentee ballots shall be tabulated in accordance with the procedures of this chapter for the tabulation of absentee ballots. As such ballots are tabulated, they shall be placed into locked ballot boxes and may be transferred to locked ballot bags, if needed, for security. Such boxes or bags shall be sealed and witnessed and verified by each person taking custody of such items by each such person's signature and date and time of taking custody. The persons conducting the tabulation of the absentee ballots shall not cause the tabulating equipment to produce any count, partial or otherwise, of the absentee votes cast until the time for the closing of the polls except as otherwise provided in this Code section.

(b) When requested by the superintendent, but not earlier than the third Monday prior to a primary, election, or runoff, a registrar or absentee ballot clerk shall deliver the official absentee ballot of each certified absentee elector, each rejected absentee ballot, applications for such ballots, and copies of the numbered lists of certified and rejected absentee electors to the location designated by the superintendent in secure, sealed containers with the chain of custody documents as

specified by the Secretary of State and the signature and date and time of the person taking custody, and the superintendent or official receiving such absentee ballots shall issue his or her receipt therefor.

(c) The superintendent shall cause the verified and accepted absentee ballots to be opened and tabulated as provided in this Code section. A manager shall then open the outer envelope in such manner as not to destroy the oath printed thereon and shall deposit the inner envelope marked "Official Absentee Ballot" in a ballot box reserved for absentee ballots with an accompanying chain of custody documentation. Such ballot box shall be securely sealed if it is not in the direct control of the poll officers or if it is transferred to a different room or facility for tabulation. In the event that an outer envelope is found to contain an absentee ballot that is not in an inner envelope, the ballot shall be sealed in an inner envelope, initialed and dated by the person sealing the inner envelope, and deposited in the ballot box and counted in the same manner as other absentee ballots, provided that such ballot is otherwise proper. Such manager with two assistant managers, appointed by the superintendent, with such clerks as the manager deems necessary shall count the absentee ballots following the procedures prescribed by this chapter for other ballots, insofar as practicable.

(d) All absentee ballots shall be counted and tabulated in such a manner that returns may be reported by precinct; and separate returns shall be made for each precinct in which absentee ballots were cast showing the results by each precinct in which the electors reside. The superintendent shall utilize the procedures set forth in this Code section to ensure that the returns of verified and accepted absentee ballots cast are reported to the public as soon as possible following the closing of the polls on the day of the primary, election, or runoff. Failure to utilize these procedures to ensure that the returns of verified and accepted absentee ballots are reported as soon as possible following the close of polls shall subject the superintendent to sanctions by the State Election Board. If a superintendent fails to report the returns of verified and accepted absentee ballots by the day following the election at 5:00 P.M., the State Election Board may convene an independent performance review board pursuant to Code Section 21-2-107.

(e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall write "Challenged," the elector's name, and the alleged cause of challenge on the outer envelope and shall deposit the ballot in a secure, sealed ballot box for which there shall be a chain of custody document as specified by the Secretary of State on which is recorded and witnessed the name and signature of each person taking custody of such ballots; and it shall be counted as other challenged ballots are counted. Where direct recording electronic voting systems are used for absentee balloting and a challenge to an elector's right to

vote is made prior to the time that the elector votes, the elector shall vote on a paper or optical scanning ballot and such ballot shall be handled as provided in this subsection. The board of registrars or absentee ballot clerk shall promptly notify the elector of such challenge.

(f) It shall be unlawful at any time prior to the close of the polls for any person to disclose or for any person to receive any information regarding the results of the tabulation of absentee ballots except as expressly provided by law.

(g) Notwithstanding any other provision of law to the contrary, including, but not limited to, the certification requirement in paragraph (3) of subsection (a) of Code Section 21-2-300, all absentee ballots tabulated pursuant to this Code section shall be scanned so that there is a digital image of each such ballot. All such scans shall have a resolution of no less than 600 dots per inch, or the highest resolution possible within the certified voting system. All such scans shall be posted and maintained by the program provided for in subsection (j.1) of Code Section 21-2-493.

History.

Ga. L. 1924, p. 186, §§ 11, 12, 14; Code 1933, §§ 34-3311, 34-3312, 34-3314; Ga. L. 1955, p. 204, § 5; Code 1933, § 34-1407, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 280, §§ 1, 2; Ga. L. 1974, p. 71, §§ 9-11; Ga. L. 1977, p. 725, § 2; Ga. L. 1978, p. 1004, § 32; Ga. L. 1979, p. 629, § 1; Ga. L. 1982, p. 1512, § 5; Ga. L. 1983, p. 140, § 1; Ga. L. 1990, p. 143, § 6; Ga. L. 1992, p. 1, § 4; Ga. L. 1992, p. 1815, § 4; Ga. L. 1993, p. 118, § 1; Ga. L. 1997, p. 590, § 32; Ga. L. 1997, p. 662, § 2; Ga. L. 1998, p. 145, § 1; Ga. L. 1998, p. 295, § 1; Ga. L. 1998, p. 1231, §§ 16, 39; Ga. L. 1999, p. 29, § 2; Ga. L. 2001, p. 240, § 34; Ga. L. 2001, p. 269, § 21; Ga. L. 2003, p. 517, § 40; Ga. L. 2005, p. 253, § 54/HB 244; Ga. L. 2006, p. 69, § 1/SB 467; Ga. L. 2007, p. 544, § 4/SB 194; Ga. L. 2008, p. 261, § 1/SB 456; Ga. L. 2008, p. 448, § 4/SB 387; Ga. L. 2009, p. 300, § 1/HB 86; Ga. L. 2011, p. 590, § 1/HB 143; Ga. L. 2011, p. 683, § 13/SB 82; Ga. L. 2012, p. 995, §§ 27, 28/SB 92; Ga. L. 2019, p. 7, § 32/HB 316; Ga. L. 2021, p. 14, § 29/SB 202; Ga. L. 2024, p. 758, § 3/HB 974, effective July 1, 2024; Ga. L. 2024, p. 1028, § 8/SB 189, effective July 1, 2024; Ga. L. 2024, p. 1028, § 9/SB 189, effective January 1, 2025.

Amendments.

The first 2024 amendment, effective July 1, 2024, added subsection (g).

The second 2024 amendment, effective July 1, 2024, added the proviso at the end of the first sentence of paragraph (a)(3), and effective January 1, 2025, inserted “to and shall document authorized access to” in subparagraph (a)(1)(A); added the last sentence in subparagraph (a)(1)(B); substituted “with the documentation provided for in subparagraph (a)(1)(A) of this Code section for storage in a manner that will prevent tampering” for “for storage” in the first sentence of subparagraph (a)(1)(F); rewrote the second sentence of subparagraph (a)(2)(A); added subparagraph (a)(2)(D); added the third sentence in paragraph (a)(7); inserted “in secure, sealed containers with the chain of custody documents as specified by the Secretary of State and the signature and date and time of the person taking custody” in the middle of subsection (b); in subsection (c), added “with an accompanying chain of custody documentation” at the end of the second sentence and added the third sentence; and inserted “for which there shall be a chain of custody document as specified by the Secretary of State on which is recorded and witnessed the name and signature of each person

taking custody of such ballots” in the first sentence of subsection (e).

Editor’s notes.

Ga. L. 2024, p. 1028, §§ 8, 9/SB 189, made identical amendments to paragraph (a)(3) of this Code section with effective

dates of July 1, 2024, and January 1, 2025, respectively.

Law reviews.

For article on the 2024 amendment of this Code section, see 41 Ga. St. U.L. Rev. 147 (2024).

21-2-387. Pilot program for electronic handling of absentee ballots; requirements; reporting; termination.

Editor’s notes.

Ga. L. 2010, p. 807, § 1/HB 665 provides for the creation by the Secretary of State of a pilot program for electronic transmission of absentee ballots by

military and overseas citizens and for the repeal by operation of law on July 1 of the year following the conclusion of the pilot program. As of May 2025, the pilot program has not concluded.

ARTICLE 11

PREPARATION FOR AND CONDUCT OF PRIMARIES AND ELECTIONS

PART 1

GENERAL PROVISIONS

21-2-408. Poll watchers; designation; duties; removal for interference with election; reports of infractions or irregularities; ineligibility of candidates to serve; training.

(a)(1) In a primary or run-off primary, each candidate entitled to have his or her name placed on the primary or run-off primary ballot may submit the name of one poll watcher for each precinct in which he or she wishes to have an observer to the chairperson or secretary of the appropriate party executive committee at least 21 days prior to such primary or 14 days prior to such run-off primary. The appropriate party executive committee shall designate at least seven days prior to such primary or run-off primary no more than two poll watchers for each precinct, such poll watchers to be selected by the committee from the list submitted by party candidates. Official poll watchers shall be given a letter signed by the party chairperson and secretary, if designated by a political party, containing the following information: name of official poll watcher, address, precinct in which he or she shall serve, and name and date of primary or run-off primary. At least three days prior to the primary, a copy of the letter shall be delivered to the superintendent of the county or municipality in which the poll watcher is to serve.

(2) In a primary or run-off primary, each candidate entitled to have his or her name placed on the primary or run-off primary ballot may

submit the name of one poll watcher for each location at which advance voting is conducted pursuant to subsection (b) of Code Section 21-2-380 in which he or she wishes to have an observer to the chairperson or secretary of the appropriate party executive committee at least 21 days prior to the beginning of the advance voting period for a primary or 14 days prior to such period in a run-off primary. The appropriate party executive committee shall designate at least seven days prior to such advance voting period for a primary or run-off primary no more than two poll watchers for each advance voting location, such poll watchers to be selected by the committee from the list submitted by party candidates. Official poll watchers shall be given a letter signed by the party chairperson and secretary, if designated by a political party, containing the following information: name of official poll watcher, address, precinct in which he or she shall serve, and name and date of primary or run-off primary. At least three days prior to the beginning of the advance voting period, a copy of the letter shall be delivered to the superintendent and the chief registrar of the county or municipality in which the poll watcher is to serve.

(b)(1) In an election or run-off election, each political party and political body shall each be entitled to designate, at least seven days prior to such election or run-off election, no more than two official poll watchers in each precinct to be selected by the appropriate party or body executive committee. Each independent candidate shall be entitled to designate one poll watcher in each precinct. In addition, candidates running in a nonpartisan election shall be entitled to designate one poll watcher in each precinct. Each poll watcher shall be given a letter signed by the appropriate political party or body chairperson and secretary, if a party or body designates same, or by the independent or nonpartisan candidate, if named by the independent or nonpartisan candidate. Such letter shall contain the following information: name of official poll watcher, address, precinct in which he or she shall serve, and date of election or run-off election. At least three days prior to the election, a copy of the letter shall be delivered to the superintendent of the county or municipality in which the poll watcher is to serve.

(2) In an election or run-off election, each political party and political body, which body is registered pursuant to Code Section 21-2-110 and has nominated a candidate for state-wide office, shall additionally be entitled to designate, at least 14 days prior to such election or run-off election, no more than 25 official state-wide poll watchers to be selected by the appropriate party or body executive committee. Each independent candidate shall also be entitled to designate no more than 25 official state-wide poll watchers. In addition, candidates running in a state-wide nonpartisan election

shall be entitled to designate no more than 25 official state-wide poll watchers. All such designations of state-wide poll watchers shall be in writing and made and submitted to the State Election Board. A state-wide poll watcher shall have the same powers and duties as poll watchers and shall be entitled to watch the polls in any precinct in the state but shall otherwise be subject to all limitations and prohibitions placed on poll watchers; provided, however, that no more than two state-wide poll watchers of a political party or body, of an independent candidate, or of a nonpartisan candidate shall be in the same polling place simultaneously. Each state-wide poll watcher shall be given a letter signed by the chairperson of the State Election Board. Such letter shall contain the following information: name of official state-wide poll watcher, address, a statement that such poll watcher is a state-wide poll watcher, and date of election or run-off election. At least three days prior to the election, a copy of the letter shall be delivered to the superintendent of each county in which the poll watcher might serve.

(3)(A) In an election or run-off election, each political party and political body shall each be entitled to designate, at least seven days prior to the beginning of the advance voting period for such election or run-off election, no more than two official poll watchers for each location at which advance voting is conducted pursuant to subsection (b) of Code Section 21-2-380 to be selected by the appropriate party or body executive committee. Each independent candidate shall be entitled to designate one poll watcher for each location at which advance voting is conducted pursuant to subsection (b) of Code Section 21-2-380. In addition, candidates running in a nonpartisan election shall be entitled to designate one poll watcher for each location at which advance voting is conducted pursuant to subsection (b) of Code Section 21-2-380. Each poll watcher shall be given a letter signed by the appropriate political party or body chairperson and secretary, if a party or body designates same, or by the independent or nonpartisan candidate, if named by the independent or nonpartisan candidate. Such letter shall contain the following information: name of official poll watcher, address, precinct in which he or she shall serve, and date of election or run-off election. At least three days prior to the beginning of the advance voting period for such election, a copy of the letter shall be delivered to the superintendent and the chief registrar of the county or municipality in which the poll watcher is to serve.

(B) In an election or run-off election, each political party and political body, which body is registered pursuant to Code Section 21-2-110 and has nominated a candidate for state-wide office, shall additionally be entitled to designate, at least 14 days prior to the

beginning of the advance voting period for such election or run-off election, no more than 25 official state-wide poll watchers for such advance voting period to be selected by the appropriate party or body executive committee. Each independent candidate shall also be entitled to designate no more than 25 official state-wide poll watchers for such advance voting period. In addition, candidates running in a state-wide nonpartisan election shall be entitled to designate no more than 25 official state-wide poll watchers for such advance voting period. All such designations of state-wide poll watchers shall be in writing and made and submitted to the State Election Board. A state-wide poll watcher shall have the same powers and duties as poll watchers and shall be entitled to watch any advance voting location in the state but shall otherwise be subject to all limitations and prohibitions placed on poll watchers; provided, however, that no more than two state-wide poll watchers of a political party or body, of an independent candidate, or of a nonpartisan candidate shall be in an advance voting location simultaneously. Each state-wide poll watcher shall be given a letter signed by the chairperson of the State Election Board. Such letter shall contain the following information: name of official state-wide poll watcher, address, a statement that such poll watcher is a state-wide poll watcher for advance voting, and date of election or run-off election. At least three days prior to the beginning of the advance voting period for such election, a copy of the letter shall be delivered to the superintendent and chief registrar of each county in which the poll watcher might serve.

(c) In counties or municipalities using direct recording electronic (DRE) voting systems or optical scanning voting systems, each political party may appoint two poll watchers in each primary or election, each political body may appoint two poll watchers in each election, each nonpartisan candidate may appoint one poll watcher in each nonpartisan election, and each independent candidate may appoint one poll watcher in each election to serve in the locations designated by the superintendent within the tabulating center. Such designated locations shall include the check-in area, the computer room, the duplication area, and such other areas as the superintendent may deem necessary to the assurance of fair and honest procedures in the tabulating center. The locations designated by the superintendent shall ensure that each poll watcher can fairly observe the procedures set forth in this Code section. The poll watchers provided for in this subsection shall be appointed and serve in the same manner as other poll watchers.

(d) Notwithstanding any other provisions of this chapter, poll watchers shall be granted access to polling places, advance voting locations, tabulation centers, and locations where absentee ballots are being verified, processed, adjudicated, and scanned and may be permitted

behind the enclosed space for the purpose of observing the conduct of the election and the counting and recording of votes. Poll watchers shall be entitled to observe any activity conducted at the location at which they are serving as poll watchers. Except as otherwise provided for in this chapter, poll watchers shall be entitled to sit or stand as close as is practicable to the observed activity so as to be able to see and hear the poll worker or election official being observed. Poll watchers shall not be permitted to observe information that is prohibited from disclosure by subsection (b) of Code Section 21-2-225. Poll watchers shall in no way interfere with the conduct of the election, and the poll manager may make reasonable regulations to avoid such interference. Without in any way limiting the authority of poll managers, poll watchers are prohibited from talking to voters, checking electors lists, using photographic or other electronic monitoring or recording devices, using cellular telephones, or participating in any form of campaigning while they are behind the enclosed space. If a poll watcher persists in interfering with the conduct of the election or in violating any of the provisions of this Code section after being duly warned by the poll manager or superintendent, he or she may be removed by such official. Any infraction or irregularities observed by poll watchers shall be reported directly to the superintendent, not to the poll manager. The superintendent shall furnish a badge to each poll watcher bearing the words "Official Poll Watcher," the name of the poll watcher, the primary or election in which the poll watcher shall serve, and either the precinct or tabulating center in which the poll watcher shall serve or a statement that such poll watcher is a state-wide poll watcher and is entitled to observe at any location in this state. The poll watcher shall wear such badge at all times while serving as a poll watcher.

(e) No person shall be appointed or be eligible to serve as a poll watcher in any primary or election in which such person is a candidate. No person shall be eligible to serve as a poll watcher unless he or she has completed training provided by the political party, political body, or candidate designating the poll watcher. Upon request, the Secretary of State shall make available material to each political party, political body, or candidate that can be utilized in such training but it shall be the responsibility of the political party, political body, or candidate designating the poll watcher to instruct poll watchers in their duties and in applicable laws and rules and regulations. Each political party, political body, or candidate shall, in their written designation of poll watchers, certify under oath that the named poll watchers have completed the training required by this Code section.

History. Code 1933, § 34-1310, enacted by Ga. L. 1969, p. 308, § 8; Ga. L. 1977, p. 1053, § 8; Ga. L. 1978, p. 1004, § 35; Ga. L. 1979, p. 955, § 6; Ga. L. 1981, p. 1718, § 5; Ga. L. 1982, p. 1512, § 5; Ga. L. 1995, p. 1027, § 10; Ga. L. 1997, p. 590, § 35; Ga. L. 1998, p. 295, § 1; Ga. L. 1998, p.

1231, §§ 17, 40; Ga. L. 1999, p. 52, § 14; Ga. L. 2001, p. 240, § 37; Ga. L. 2001, p. 269, § 22; Ga. L. 2003, p. 517, § 44; Ga. L. 2005, p. 253, § 57/HB 244; Ga. L. 2021, p. 14, § 32/SB 202; Ga. L. 2024, p. 812, § 6/HB 1207, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, in subsection (d), substituted “poll watchers shall be granted access to polling places, advance voting locations, tabu-

lation centers, and locations where absentee ballots are being verified, processed, adjudicated, and scanned and” for “a poll watcher” in the first sentence, added the second through fourth sentences, substituted “Poll watchers” for “Such poll watcher” at the beginning of the fifth sentence, and added “and is entitled to observe at any location in this state” at the end of the second to last sentence.

21-2-412. Duties of superior courts on days of primaries and elections.

JUDICIAL DECISIONS

Complaints failed to name any defendant. — Trial courts properly dismissed appellants’ nearly identical complaints alleging that the voting system used the day of a runoff election for a U.S. Senate seat did not comply with Georgia

law because the complaints did not name any defendant and appellants failed to serve any defendant. In re December 6, 316 Ga. 843, 889 S.E.2d 811, 2023 Ga. LEXIS 138 (2023).

21-2-414. Restrictions on campaign activities, giving of food or water, and public opinion polling within the vicinity of a polling place; cellular phone use prohibited; prohibition of candidates from entering certain polling places.

(a) No person shall solicit votes in any manner or by any means or method, nor shall any person distribute or display any campaign material, nor shall any person give, offer to give, or participate in the giving of any money or gifts, including, but not limited to, food and drink, to an elector, nor shall any person solicit signatures for any petition, nor shall any person, other than election officials discharging their duties, establish or set up any tables or booths 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.

(b) Rooms under the control or supervision of the board of registrars

or absentee ballot clerk in which absentee ballots are being cast shall be considered polling places.

(c)(1) No person shall conduct any exit poll or public opinion poll with voters within 25 feet of the exit of any building in which a polling place is established on any day in which ballots are being cast.

(2) Except for credentialed poll watchers, poll workers, and law enforcement officers, poll managers may manage the number of persons allowed in the polling place to prevent confusion, congestion, and inconvenience to voters.

(d) No person whose name appears as a candidate on the ballot being voted upon at a primary, election, special primary, or special election shall physically enter any polling place other than the polling place at which that person is authorized to cast his or her ballot for that primary, election, special primary, or special election and, after casting his or her ballot, the candidate shall not return to such polling place until after the poll has closed and voting has ceased or other than to transact business with the board of registrars, so long as the person does not violate any other provision of this Code section.

(e) This Code section shall not be construed to prohibit a poll officer from distributing materials, as required by law, which are necessary for the purpose of instructing electors or from distributing materials prepared by the Secretary of State which are designed solely for the purpose of encouraging voter participation in the election being conducted or from making available self-service water from an unattended receptacle to an elector waiting in line to vote.

(f) Any person who violates this Code section shall be guilty of a misdemeanor.

History.

Ga. L. 1956, p. 333, § 1; Ga. L. 1961, p. 557, § 1; Code 1933, §§ 34-1307, 34-1938, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 308, § 3; Ga. L. 1977, p. 174, § 1; Ga. L. 1978, p. 1039, § 1; Ga. L. 1984, p. 674, § 1; Ga. L. 1985, p. 632, § 5; Ga. L. 1986, p. 32, § 1; Ga. L. 1986, p. 382, § 4; Ga. L. 1988, p. 647, § 3; Ga. L. 1989, p. 1084, § 3; Ga. L. 1993, p. 712, § 1; Ga. L. 1994, p. 1406, § 25; Ga. L. 1998, p. 295, § 1; Ga. L. 2001, p. 240, § 41; Ga. L. 2003, p. 517, § 47; Ga. L. 2005, p. 253, § 58/HB 244; Ga. L. 2010, p.

914, § 22/HB 540; Ga. L. 2012, p. 995, § 31/SB 92; Ga. L. 2016, p. 173, § 5/SB 199; Ga. L. 2017, p. 697, § 19/HB 268; Ga. L. 2021, p. 14, § 33/SB 202; Ga. L. 2024, p. 689, § 11/SB 212, effective January 1, 2025.

Amendments.

The 2024 amendment, effective January 1, 2025, in subsection (d), deleted “, except a judge of the probate court serving as the election superintendent,” preceding “shall physically” in the first sentence and deleted the former second sentence.

21-2-417. Presentation of proper identification to poll workers; swearing of statement when unable to produce; use of provisional ballots; penalty for false swearing.

(a) Except as provided in subsection (c) of this Code section, each elector shall present proper identification to a poll worker at or prior to completion of a voter's certificate at any polling place and prior to such person's admission to the enclosed space at such polling place. Proper identification shall consist of any one of the following:

(1) A Georgia driver's license in a physical format which was properly issued by the Department of Driver Services;

(2) A valid Georgia voter identification card issued under Code Section 21-2-417.1 or other valid identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the elector;

(3) A valid United States passport;

(4) A valid employee identification card containing a photograph of the elector and issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state;

(5) A valid United States military identification card, provided that such identification card contains a photograph of the elector; or

(6) A valid tribal identification card containing a photograph of the elector.

(b) Except as provided in subsection (c) of this Code section, if an elector is unable to produce any of the items of identification listed in subsection (a) of this Code section, he or she shall be allowed to vote a provisional ballot pursuant to Code Section 21-2-418 upon swearing or affirming that the elector is the person identified in the elector's voter certificate. Such provisional ballot shall only be counted if the registrars are able to verify current and valid identification of the elector as provided in subsection (a) of this Code section within the time period for verifying provisional ballots pursuant to Code Section 21-2-419. Falsely swearing or affirming such statement under oath shall be punishable as a felony, and the penalty shall be distinctly set forth on the face of the statement.

(c) An elector who registered to vote by mail, but did not comply with subsection (c) of Code Section 21-2-220, and who votes for the first time in this state shall present to the poll workers either one of the forms of identification listed in subsection (a) of this Code section or a copy of a

current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of such elector. If such elector does not have any of the forms of identification listed in this subsection, such elector may vote a provisional ballot pursuant to Code Section 21-2-418 upon swearing or affirming that the elector is the person identified in the elector’s voter certificate. Such provisional ballot shall only be counted if the registrars are able to verify current and valid identification of the elector as provided in this subsection within the time period for verifying provisional ballots pursuant to Code Section 21-2-419. Falsely swearing or affirming such statement under oath shall be punishable as a felony, and the penalty shall be distinctly set forth on the face of the statement.

History.

Code 1981, § 21-2-417, enacted by Ga. L. 1997, p. 662, § 3; Ga. L. 1998, p. 295, § 1; Ga. L. 2001, p. 230, § 15; Ga. L. 2003, p. 517, § 48; Ga. L. 2005, p. 253, § 59/HB 244; Ga. L. 2006, p. 3, § 2/SB 84; Ga. L. 2025, p. 627, § 1/HB 296, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, in paragraph (a)(1), inserted “in a physical format” near the beginning and substituted “Department of Driver Services” for “appropriate state agency” at the end.

ARTICLE 12
RETURNS

21-2-493. Computation, canvassing, and tabulation of returns; investigation of discrepancies in vote counts; recount procedure; posting of digital images of scanned paper ballots; certification of returns; change in returns.

(a) The superintendent shall, after the close of the polls on the day of a primary or election, at his or her office or at some other convenient public place at the county seat or in the municipality, of which due notice shall have been given as provided by Code Section 21-2-492, publicly commence the computation and canvassing of the returns and continue until all absentee ballots received by the close of the polls, including those cast by advance voting; provided, however, that such votes cast by advance voting shall be tabulated and the results reported by no later than 8:00 P.M. on such day or within one hour of the closing of all polls in such county, whichever occurs later, and all ballots cast on the day of the primary or election have been counted and tabulated and the results of such tabulation released to the public and, then, continuing with provisional ballots as provided in Code Sections 21-2-418 and 21-2-419 and those absentee ballots as provided in subparagraph (a)(1)(G) of Code Section 21-2-386 from day to day until completed. For this purpose, the superintendent may organize his or her assistants into sections, each of whom may simultaneously proceed

with the computation and canvassing of the returns from various precincts of the county or municipality in the manner provided by this Code section. Upon the completion of such computation and canvassing, the superintendent shall tabulate the figures for the entire county or municipality and sign, announce, and attest the same, as required by this Code section.

(b) The superintendent, before computing the votes cast in any precinct, shall compare the registration figure with the certificates returned by the poll officers showing the number of persons who voted in each precinct or the number of ballots cast. If, upon consideration by the superintendent of the returns and certificates before him or her from any precinct, it shall appear that the total vote returned for any candidate or candidates for the same office or nomination or on any question exceeds the number of electors in such precinct or exceeds the total number of persons who voted in such precinct or the total number of ballots cast therein, such excess shall be deemed a discrepancy and palpable error and shall be investigated by the superintendent; and no votes shall be recorded from such precinct until an investigation shall be had. Such excess shall authorize the summoning of the poll officers to appear immediately with any primary or election papers in their possession. The superintendent shall then examine all the registration and primary or election documents whatever relating to such precinct in the presence of representatives of each party, body, and interested candidate. Such examination may, if the superintendent deems it necessary, include a recount or recanvass of the votes of that precinct and a report of the facts of the case to the district attorney where such action appears to be warranted.

(c) In precincts in which paper ballots have been used, the superintendent may require the production of the ballot box and the recount of the ballots contained in such ballot box, either generally or respecting the particular office, nomination, or question as to which the excess exists, in the discretion of the superintendent, and may require the correction of the returns in accordance with the result of such recount. If the ballot box is found to contain more ballots than there are electors registered in such precinct or more ballots than the number of voters who voted in such precinct at such primary or election, the superintendent may, in his or her discretion, exclude the poll of that precinct, either as to all offices, candidates, questions, or parties and bodies or as to any particular offices, candidates, questions, or parties and bodies, as to which such excess exists.

(d) In precincts in which voting machines have been used, the superintendent may require a recanvass of the votes recorded on the machines used in the precinct, as provided in Code Section 21-2-495.

(e) In precincts in which paper ballots have been used, the general returns made by the poll officers from the various precincts shall be

read one after another in the usual order, slowly and audibly, by one of the assistants who shall, in each case of a return from a precinct in which ballots were used, read therefrom the number of ballots issued, spoiled, canceled, and cast, respectively, whereupon the assistant having charge of the records of the superintendent showing the number of ballots furnished for each precinct, including the number of stubs and unused ballots and spoiled and canceled ballots returned, shall publicly announce the number of the same respectively; and, unless it appears by such number or calculations therefrom that such records and such general return correspond, no further returns shall be read from the latter until all discrepancies are explained to the satisfaction of the superintendent.

(f) In precincts in which voting machines have been used, there shall be read from the general return the identifying number or other designation of each voting machine used and the numbers registered on the protective counter or device on each machine prior to the opening of the polls and immediately after the close of the same, whereupon the assistant having charge of the records of the superintendent showing the number registered on the protective counter or device of each voting machine prior to delivery at the polling place shall publicly announce the numbers so registered; and, unless it appears that such records and such general return correspond, no further returns shall be read from the latter until any and all discrepancies are explained to the satisfaction of the superintendent.

(g) In precincts in which paper ballots have been used, when the records agree with such returns regarding the number of ballots and the number of votes recorded for each candidate, such votes for each candidate shall be read by an assistant slowly, audibly, and in an orderly manner from the general return which has been returned unsealed; and the figures announced shall be compared by other assistants with the general return which has been returned sealed. The figures announced for all precincts shall be compared by one of the assistants with the tally papers from the respective precincts. If any discrepancies are discovered, the superintendent shall examine all of the return sheets, tally papers, and other papers in his or her possession relating to the same precinct. If the tally papers and sealed general return sheet agree, the unsealed general return shall be immediately corrected to conform thereto. In every other case the superintendent shall immediately cause the ballot box of the precinct to be opened and the vote therein to be recounted in the presence of interested candidates or their representatives; and, if the recount shall not be sufficient to correct the error, the superintendent may summon the poll officers to appear immediately with all election papers in their possession.

(h) In precincts in which voting machines have been used, when the records agree with the returns regarding the number registered on the

voting machine, the votes recorded for each candidate shall be read by an assistant slowly, audibly, and in an orderly manner from the general return sheet which has been returned unsealed; and the figures announced shall be compared by other assistants with the duplicate return sheet which has been returned sealed. If the voting machine is of the type equipped with a mechanism for printing paper proof sheets, such general and duplicate return sheets shall also be compared with such proof sheets, which have been returned as aforesaid. If any discrepancies are discovered, the superintendent shall examine all of the return sheets, proof sheets, and other papers in his or her possession relating to the same precinct. Such proof sheets shall be deemed to be prima-facie evidence of the result of the primary or election and to be prima facie accurate; and, if the proper proof sheets, properly identified, shall be mutually consistent and if the general and duplicate returns or either of such returns from such precinct shall not correspond with such proof sheets, they shall be corrected so as to correspond with such proof sheets in the absence of allegation of specific fraud or error proved to the satisfaction of the superintendent.

(i) If any error or fraud is discovered, the superintendent shall compute and certify the votes justly, regardless of any fraudulent or erroneous returns presented to him or her, and shall report the facts to the appropriate district attorney for action.

(j) The superintendent shall see that the votes shown by each absentee ballot are added to the return received from the precinct of the elector casting such ballot.

(j.1) The Secretary of State shall create and maintain a state-wide program for the posting of digital images of the scanned paper ballots created by the voting system. All such scans shall have a resolution of no less than 200 dots per inch. Digital images of the scanned ballots created as part of the preliminary tabulation process shall be posted no later than 5:00 P.M. on the second Friday following the day of the election, and such postings shall be supplemented by the posting of any additional ballot images created in the tabulation process through final certification of such election.

(j.2)(1) On or after January 1, 2025, in the event that a superintendent receives a request pursuant to Code Section 50-18-71 for scanned ballot images at a resolution higher than the ballot images available from the Secretary of State pursuant to subsection (j.1) of this Code section, and such request is received following the final certification of the results of the election in which such ballots were created, the superintendent shall, consistent with Code Section 50-18-71, produce digital scans of the requested ballots at a resolution of no less than 600 dots per inch and deliver such scans to the requestor. A person making a request pursuant to this subsection

may observe the scanning and related handling process, but under no circumstances shall anyone other than an authorized election official touch or handle a physical ballot.

(2) Notwithstanding any seal provided for by Code Section 21-2-500, a superintendent shall have access to the ballots cast within its jurisdiction so as to comply with the provisions of this subsection. Upon receiving a request pursuant to this subsection, the superintendent shall notify the clerk of the superior court or, if designated by the clerk of the superior court, the county records manager or other office or official under the jurisdiction of a county governing authority which maintains or is responsible for maintaining such sealed ballots, and such official or office that maintains such requested ballot shall provide the superintendent access to such ballot without the need for obtaining a court order. All ballots provided to a superintendent pursuant to this paragraph shall be immediately returned by such superintendent to the official or office that maintains such ballots upon the scanning of such ballot.

(k) As the returns from each precinct are read, computed, and found to be correct or corrected as aforesaid, they shall be recorded on the blanks prepared for the purpose until all the returns from the various precincts which are entitled to be counted shall have been duly recorded; then they shall be added together, announced, and attested by the assistants who made and computed the entries respectively and shall be signed by the superintendent. The consolidated returns shall then be certified by the superintendent in the manner required by this chapter. Such returns shall be certified by the superintendent not later than 5:00 P.M. on the Monday following the date on which such election was held and such returns shall be immediately transmitted to the Secretary of State.

(l) In such case where the results of an election contest change the returns so certified, a corrected return shall be certified and filed by the superintendent which makes such corrections as the court orders.

History.

Ga. L. 1943, p. 347, § 1; Code 1933, § 34-1504, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 292, § 1; Ga. L. 1970, p. 347, § 29; Ga. L. 1982, p. 1512, § 5; Ga. L. 1983, p. 140, § 1; Ga. L. 1987, p. 34, § 1; Ga. L. 1992, p. 1, § 5; Ga. L. 1992, p. 56, § 1; Ga. L. 1997, p. 590, § 37; Ga. L. 1998, p. 295, § 1; Ga. L. 2001, p. 269, § 25; Ga. L. 2003, p. 517, § 55; Ga. L. 2008, p. 817, § 4/HB 1098; Ga. L. 2011, p. 683, § 18/SB 82; Ga. L. 2019, p. 7,

§ 40/HB 316; Ga. L. 2021, p. 14, § 41/SB 202; Ga. L. 2024, p. 758, § 4/HB 974, effective July 1, 2024; Ga. L. 2024, p. 1028, § 10/SB 189, effective July 1, 2024.

Amendments.

The first 2024 amendment, effective July 1, 2024, in subsection (j.1), substituted “and maintain a state-wide program” for “a pilot program” in the first sentence, and added the second and third sentences.

The second 2024 amendment, effective

tive July 1, 2024, added the proviso in the first sentence of subsection (a); and added subsection (j.2).

Law reviews.

For article on the 2024 amendment of

this Code section, see 41 Ga. St. U.L. Rev. 147 (2024).

21-2-494. Computation and certification of write-in votes.

The superintendent, in computing the votes cast at any election, shall compute and certify only those write-in votes cast for candidates who have given proper notice of intent to be write-in candidates pursuant to Code Section 21-2-133 exactly as such names were written by the elector.

History.

Code 1933, § 34-1505, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p.

292, § 1; Ga. L. 1987, p. 417, § 9; Ga. L. 1998, p. 295, § 1.

JUDICIAL DECISIONS

Editor's notes.

This Code section is set out in the

supplement to correct a typographical error in the history citation.

21-2-498. Precertification tabulation audits; risk-limiting audits.

(a) As used in this Code section, the term:

(1) "Incorrect outcome" means the winner of a contest or the answer to a proposed constitutional amendment or question would be different from the results found in a manual recount of paper official ballots.

(2) "Risk limit" means the largest statistical probability that an incorrect outcome is not detected or corrected in a risk-limiting audit; provided, however, that such probability does not exceed:

(A) Eight percent in 2024;

(B) Six percent in 2026; and

(C) Five percent or less in 2028 and thereafter.

(3) "Risk-limiting audit" means an audit protocol that makes use of statistical methods and is designed to limit to acceptable levels the risk of certifying a preliminary election outcome that constitutes an incorrect outcome.

(4) "Selected contests" means:

(A) The contest at the top of a ballot; and

(B) If the following races are on a ballot, one contest from the following races as selected pursuant to subsection (d) of this Code

section: United States Senate, Governor, Lieutenant Governor, Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, Commissioner of Labor, Supreme Court Justice, Judge of the Court of Appeals, or Public Service Commissioner, provided that such selected contest is not the race at the top of the ballot.

(b) Local election superintendents shall conduct precertification risk-limiting audits on selected contests following any election, special election, election runoff, special election runoff, primary, special primary, primary runoff, or special primary runoff with presidential, United States Senate, or state-wide contests in accordance with requirements set forth by rule or regulation of the State Election Board. Audits performed under this Code section shall be conducted by manual inspection of random samples of the paper official ballots.

(c) In conducting each audit, the local election superintendents shall:

(1) Complete the audit prior to final certification of the contests;

(2) Ensure that all types of ballots are included in the audit, whether cast in person, by absentee ballot, advance voting, provisional ballot, or otherwise;

(3) Provide a report of the unofficial final tabulated vote results for the contests to the public prior to conducting the audit;

(4) Complete the audit in public view; and

(5) Provide details of the audit to the public within 48 hours of completion.

(d) In the event that multiple qualified races are on a ballot, one race in addition to the race at the top of the ballot shall be selected as a selected contest for auditing pursuant to this Code section. The additional selected contest shall be selected by majority vote of the Governor, Lieutenant Governor, and the Speaker of the House of Representatives, the minority leader of the Senate, and the minority leader of the House of Representatives; provided, however, that, in the event that a majority vote cannot be obtained by 11:00 A.M. on the Thursday immediately following the election, special election, election runoff, special election runoff, primary, special primary, primary runoff, or special primary runoff, the additional selected contest shall be selected by the chairperson of the State Election Board. The selection vote required by this subsection does not need to occur in person; such vote may be accomplished telephonically, virtually, or via written or electronic correspondence.

(e) The State Election Board shall be authorized to promulgate rules, regulations, and procedures to implement and administer the provi-

sions of this Code section. The procedures prescribed by the State Election Board shall include security procedures to ensure that collection of validly cast ballots is complete, accurate, and trustworthy throughout the audit.

(f) Nothing in this Code section shall prevent an election superintendent from conducting tabulation or risk-limiting audits in additional contests if circumstances warrant the auditing of one or more additional contests than those required by this Code section.

History.

Code 1981, § 21-2-498, enacted by Ga. L. 2019, p. 7, § 42/HB 316; Ga. L. 2023, p. 614, § 5/SB 129, effective July 1, 2023; Ga. L. 2023, p. 730, § 2(7)/HB 475, effective July 1, 2023; Ga. L. 2024, p. 758, § 5/HB 974, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, added the proviso at the end of paragraph (a)(2); added subparagraphs

(a)(2)(A) through (a)(2)(C); added paragraph (a)(4); in the first sentence in subsection (b), deleted “tabulation or” following “precertification”, substituted “selected contests” for “one contest”, and substituted “presidential, United States Senate,” for “federal”; substituted “contests” for “contest” in paragraphs (c)(1) and (c)(3); added subsection (d); redesignated former subsection (d) as subsection (e); and, added subsection (f).

21-2-498.1. Pilot program to audit paper ballots using optical character recognition.

The Secretary of State shall create a pilot program for the auditing of paper ballot images using optical character recognition technology or other related technology which shall verify the human-readable text portion of the ballot. Such auditing program shall not be based on or tabulate any QR code, bar code, or similar machine coding that may be printed on such ballots. Such audits shall include all ballot types, and the audit findings shall be reported prior to final certification of the election.

History.

Code 1981, § 21-2-498.1, enacted by Ga. L. 2024, p. 758, § 6/HB 974, effective July 1, 2024; Code 1981, § 21-2-498.1, enacted by Ga. L. 2024, p. 1028, § 11/SB 189, effective July 1, 2024.

Effective date.

This Code section became effective July 1, 2024. See Editor’s note for clarification on enactments.

Editor’s notes.

Ga. L. 2024, p. 758, § 6/HB 974 and Ga. L. 2024, p. 1028, § 11/SB 189 both enacted identical versions of this Code section, effective July 1, 2024.

Law reviews.

For article on the 2024 enactment of this Code section, see 41 Ga. St. U.L. Rev. 147 (2024).

ARTICLE 13

CONTESTED ELECTIONS AND PRIMARIES

21-2-520. Definitions.

JUDICIAL DECISIONS

Dismissal of appeal. — Court dismissed a pro se challenger’s appeal from a decision holding that the results of a special election for county commissioner were valid, as the successful candidate had been serving as county commissioner for more than nine months, and the delay in consideration of the appeal was attribut-

able to the challenger’s failure to utilize the applicable procedures of the Election Code, further exacerbated by the challenger’s request to submit additional briefing, delaying the trial court’s decision. *Miller v. Hodge*, 319 Ga. 543, 905 S.E.2d 562, 2024 Ga. LEXIS 173 (2024).

21-2-521. Primaries and elections which are subject to contest; persons who may bring contest.

JUDICIAL DECISIONS

Effective date of voting district map. — Election challenge for a county commissioner’s seat failed because the plaintiff’s assertion that a 2011 map was in effect and should have been used for the 2023 election was incorrect as the map

was never filed with the Secretary of State and the clerk of the superior court as required and was, thus, ineffective at the time of the vote. *Nelson v. Strickland*, 320 Ga. 733, 911 S.E.2d 665, 2025 Ga. LEXIS 9 (2025).

21-2-522. Grounds for contest.

JUDICIAL DECISIONS

Effective date of voting district map. — Election challenge for a county commissioner’s seat failed because plaintiff’s assertion that a 2011 map was in effect and should have been used for the 2023 election was incorrect as the map

was never filed with the Secretary of State and clerk of the superior court as required and was, thus, ineffective at the time of the vote. *Nelson v. Strickland*, 320 Ga. 733, 911 S.E.2d 665, 2025 Ga. LEXIS 9 (2025).

21-2-524. Filing of petition to contest primary or election; procedures for service, notice, answer, and amendment.

JUDICIAL DECISIONS

Complaints failed to name any defendant. — Trial courts properly dismissed the appellants’ nearly identical complaints alleging that the voting system used the day of a runoff election for a U.S. Senate seat did not comply with

Georgia law because the complaints did not name any defendant and the appellants failed to serve any defendant. In re December 6, 316 Ga. 843, 889 S.E.2d 811, 2023 Ga. LEXIS 138 (2023).

ARTICLE 14

SPECIAL ELECTIONS AND PRIMARIES GENERALLY;
MUNICIPAL TERMS OF OFFICE**21-2-540. Conduct and timing of special primaries and special elections generally.**

(a)(1) Every special primary and special election shall be held and conducted in all respects in accordance with the provisions of this chapter relating to general primaries and general elections; and the provisions of this chapter relating to general primaries and general elections shall apply thereto insofar as practicable and as not inconsistent with any other provisions of this chapter. All special primaries and special elections held at the time of a general primary, as provided by Code Section 21-2-541, shall be conducted by the poll officers by the use of the same equipment and facilities, insofar as practicable, as are used for such general primary. All special primaries and special elections held at the time of a general election, as provided by Code Section 21-2-541, shall be conducted by the poll officers by the use of the same equipment and facilities, insofar as practicable, as are used for such general election.

(2) If a vacancy occurs in a partisan office to which the Governor is authorized to appoint an individual to serve until the next general election, a special primary shall precede the special election.

(b) At least 29 days shall intervene between the call of a special primary and the holding of same, and at least 29 days shall intervene between the call of a special election and the holding of same. The period during which candidates may qualify to run in a special primary or a special election shall remain open for a minimum of two and one-half days. Special elections to present questions to the voters which are to be held in conjunction with the presidential preference primary, a state-wide general primary, or state-wide general election shall be called at least 90 days prior to the date of such presidential preference primary, state-wide general primary, or state-wide general election; provided, however, that this requirement shall not apply to special elections to present questions to the voters held on the same date as such presidential preference primary, state-wide general primary, or state-wide general election but conducted completely separate and apart from such state-wide general primary or state-wide general election using different ballots or voting equipment, facilities, poll workers, and paperwork.

(c)(1) Notwithstanding any other provision of law to the contrary, a special primary or special election to fill a vacancy in a county or municipal office shall be held only on one of the following dates which is at least 29 days after the date of the call for the special election:

(A) In odd-numbered years, any such special primary or special election shall only be held on:

- (i) The third Tuesday in March;
- (ii) The third Tuesday in June;
- (iii) The third Tuesday in September; or
- (iv) The Tuesday after the first Monday in November; and

(B) In even-numbered years, any such special primary or special election shall only be held on:

(i) The third Tuesday in March; provided, however, that in the event that a special primary or special election is to be held under this provision in a year in which a presidential preference primary is to be held, then any such special primary or special election shall be held on the date of and in conjunction with the presidential preference primary;

(ii) The date of the general primary; or

(iii) The Tuesday after the first Monday in November;

provided, however, that, in the event that a special primary or special election to fill a federal or state office on a date other than the dates provided in this paragraph has been scheduled and it is possible to hold a special primary or special election to fill a vacancy in a county, municipal, or school board office in conjunction with such special primary or special election to fill a federal or state office, the special primary or special election to fill such county, municipal, or school board office may be held on the date of and in conjunction with such special primary or special election to fill such federal or state office, provided all other provisions of law regarding such primaries and elections are met.

(2) Notwithstanding any other provision of law to the contrary, a special election to present a question to the voters shall be held only on one of the following dates which is at least 29 days after the date of the call for the special election:

(A) In odd-numbered years, any such special election shall only be held on the third Tuesday in March or on the Tuesday after the first Monday in November; and

(B) In even-numbered years, any such special election shall only be held on:

(i) The date of and in conjunction with the presidential preference primary if one is held that year;

(ii) The third Tuesday in March; provided, however, that such special election shall occur prior to July 1, 2024, and present a

question to the voters on sales and use taxes authorized by Articles 5, 5A, and 5B of Chapter 8 of Title 48;

(iii) The date of the general primary; or

(iv) The Tuesday after the first Monday in November.

(3) The provisions of this subsection shall not apply to:

(A) Special elections held pursuant to Chapter 4 of this title, the “Recall Act of 1989,” to recall a public officer or to fill a vacancy in a public office caused by a recall election; and

(B) Special primaries or special elections to fill vacancies in federal or state public offices.

(d) Except as otherwise provided by this chapter, the superintendent of each county or municipality shall publish the call of the special primary or special election.

(e)(1) Candidates in special elections for partisan offices that are not preceded by special primaries shall be listed alphabetically on the ballot and may choose to designate on the ballot their party affiliation. The party affiliation selected by a candidate shall not be changed following the close of qualifying.

(2) Candidates in special primaries shall be listed alphabetically on the ballot.

History.

Code 1933, §§ 34-806, 34-1314, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 308, § 35; Ga. L. 1969, p. 329, § 8A; Ga. L. 1984, p. 1, § 14; Ga. L. 1984, p. 638, § 3; Ga. L. 1986, p. 382, § 6; Ga. L. 1986, p. 1538, § 3; Ga. L. 1991, p. 316, § 1; Ga. L. 1994, p. 1406, § 27; Ga. L. 1996, p. 145, § 21; Ga. L. 1997, p. 590, § 42; Ga. L. 1998, p. 295, § 1; Ga. L. 2001, p. 240, §§ 43, 44; Ga. L. 2005, p. 253, § 64/HB 244; Ga. L. 2008, p. 131, § 1/HB 296; Ga. L. 2010, p. 914, § 25/HB 540; Ga. L. 2012, p. 995, §§ 41, 42/SB 92; Ga. L. 2014, p. 1, § 8/HB 310; Ga. L. 2017, p. 2,

§ 3/HB 42; Ga. L. 2021, p. 14, § 43/SB 202; Ga. L. 2022, p. 310, § 1/HB 907; Ga. L. 2024, p. 1028, § 12/SB 189, effective May 6, 2024.

Amendments.

The 2024 amendment, effective May 6, 2024, in the third sentence of subsection (b), substituted “elections to present questions to the voters” for “primaries and special elections” near the beginning and substituted “special elections to present questions to the voters held” for “special primaries and special elections held” near the middle.

ARTICLE 15

MISCELLANEOUS OFFENSES

21-2-561. False registration; unlawful disclosure of voter registration information.

Any person who:

- (1) Registers as an elector knowing that such elector does not possess the qualifications required by law;
- (2) Registers as an elector under any other name than the elector’s own name;
- (3) Knowingly gives false information when registering as an elector; or
- (4) Discloses to an unauthorized person any information that is exempted from public inspection pursuant to Code Section 21-2-225 or is confidential pursuant to Code Section 21-2-225.1

shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00, or both.

History. Ga. L. 1894, p. 115, § 13; Penal Code 1895, § 625; Penal Code 1910, § 660; Code 1933, § 34-9901; Code 1933, § 34-1902, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1994, p. 1443, § 11; Ga. L. 1998, p. 295, § 1; Ga. L. 2007, p. 536, § 3/SB 40; Ga. L. 2025, p. 877, § 2/SB 212, effective May 14, 2025.

Amendments. The 2025 amendment, effective May 14, 2025, deleted “or” at the end of paragraph (2), added “; or” at the end of paragraph (3), and added paragraph (4).

21-2-566. Interference with primaries and elections generally.

Any person who:

- (1) Willfully prevents or attempts to prevent any poll officer from holding any primary or election under this chapter;
- (2) Uses or threatens violence in a manner that would prevent a reasonable poll officer, election official, or poll watcher or actually prevents a poll officer, election official, or poll watcher, as provided for by Code Section 21-2-408, from the execution of his or her duties or materially interrupts or improperly and materially interferes with the execution of a poll officer, election official, or poll watcher’s, as provided for by Code Section 21-2-408, duties;
- (3) Willfully blocks or attempts to block the avenue to the door of any polling place;
- (4) Uses or threatens violence in a manner that would prevent a reasonable elector from voting or actually prevents any elector from voting;
- (5) Willfully prepares or presents to any poll officer a fraudulent voter’s certificate not signed by the elector whose certificate it purports to be;
- (6) Knowingly deposits fraudulent ballots in the ballot box;

(7) Knowingly registers fraudulent votes upon any voting machine; or

(8) Willfully tampers with any electors list, voter’s certificate, numbered list of voters, ballot box, voting machine, direct recording electronic (DRE) equipment, electronic ballot marker, or tabulating machine

shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00, or both.

History.
Code 1933, § 34-1924, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1985, p. 206, § 1; Ga. L. 1998, p. 295, § 1; Ga. L. 2003, p. 517, § 61; Ga. L. 2007, p. 536, § 5/SB 40; Ga. L. 2008, p. 781, § 16/HB

1112; Ga. L. 2019, p. 7, § 44/HB 316; Ga. L. 2024, p. 812, § 7/HB 1207, effective July 1, 2024.
Amendments.
The 2024 amendment, effective July 1, 2024, rewrote paragraph (2).

CHAPTER 4

RECALL OF PUBLIC OFFICERS

Sec.		
21-4-3.	Definitions.	quired to effectuate recall;
21-4-13.	Procedures for recall election; number of votes re-	special election to fill vacancy created.

21-4-3. Definitions.

As used in this chapter, the term:

- (1) “Elected county school board members” and “elected county school superintendents” shall be considered county officers.
- (2) “Elected education board members” and “elected school superintendents” of any independent school system shall be considered municipal officers.
- (3) “Election superintendent” means:
 - (A) In the case of any elected state officers, the Secretary of State;
 - (B) In the case of any elected county officers, the county board of elections; and
 - (C) In the case of any elected municipal officers, the municipal clerk or municipal board of elections or municipal election superintendent, if the municipality has such a board or election officer.
- (3.1) “Elective office” means an office filled by the exercise of the

franchise of vote by electors in a general or special election as defined under the laws of this state.

(4) “Elector” means any person who possesses all of the qualifications for voting now or hereafter prescribed by the laws of this state and who has registered in accordance with Chapter 2 of this title.

(5) “Electoral district” means the area in which the electors reside who are qualified to vote for any of the candidates offering for a particular office.

(6) “Failure to perform duties prescribed by law” means the willful neglect or failure by an official to perform a duty imposed by statute.

(7) “Grounds for recall” means:

(A) That the official has, while holding public office, conducted himself or herself in a manner which relates to and adversely affects the administration of his or her office and adversely affects the rights and interests of the public; and

(B) That the official:

(i) Has committed an act or acts of malfeasance while in office;

(ii) Has violated his or her oath of office;

(iii) Has committed an act of misconduct in office;

(iv) Is guilty of a failure to perform duties prescribed by law; or

(v) Has willfully misused, converted, or misappropriated, without authority, public property or public funds entrusted to or associated with the elective office to which the official has been elected or appointed.

Discretionary performance of a lawful act or a prescribed duty shall not constitute a ground for recall of an elected public official; provided, however, that a judicial circuit district attorney’s failure to perform the duties provided for in Code Section 15-18-6 or a state court solicitor-general’s failure to perform the duties provided for in Code Section 15-18-66 shall constitute grounds for a recall of such elected official.

(7.1) “Legal sufficiency” means, solely as applied to the duties or functions of the election superintendent, a determination of the completeness of an application for a recall petition or a recall petition and a determination that an application for a recall petition or a recall petition contains a sufficient number of valid signatures. Such determinations shall not include any review of the sufficiency of the ground or grounds for the recall and the fact or facts upon which such ground or grounds are based.

(8) “Misconduct in office” means an unlawful act committed willfully by an elected public official or a willful violation of the code of ethics for government service contained in Code Section 45-10-1.

(9) “Official sponsors” or “sponsors” means the electors who circulate or file an application for a recall petition who were registered and eligible to vote in the last general or special election for the office held by the officer sought to be recalled and who reside in the electoral district of the officer sought to be recalled.

History.

Code 1981, § 21-4-3, enacted by Ga. L. 1989, p. 1721, § 1; Ga. L. 1990, p. 1939, § 1; Ga. L. 1991, p. 133, § 1; Ga. L. 1999, p. 21, § 1; Ga. L. 2014, p. 866, § 21/SB 340; Ga. L. 2023, p. 718, § 4/SB 92, effective May 5, 2023; Ga. L. 2024, p. 689, § 12/SB 212, effective January 1, 2025.

Amendments.

The 2024 amendment, effective January 1, 2025, deleted “, if a county has such,

or the judge of the probate court, provided that, if such judge of the probate court is the officer sought to be recalled, then the election superintendent shall be the clerk of the superior court” following “elections” in subparagraph (3)(B).

21-4-13. Procedures for recall election; number of votes required to effectuate recall; special election to fill vacancy created.

(a) Within ten days after having received certification of the sufficiency of the recall petition by the election superintendent, a recall election shall be called and published, as provided in this Code section, and shall be conducted not less than 30 days nor more than 45 days after such call; provided, however, that, if a primary or general election is to be held not less than 30 days nor more than 45 days after such call is issued, the recall election shall be conducted on that date.

(b) A recall election shall be called:

(1) By the Governor, if for a state officer;

(2) By the election superintendent of the county, if for a county officer; or

(3) By the election superintendent of the municipality, if for a municipal officer.

(c) If a recall petition is against an officer who is directed by this Code section to call the election, it shall be called by the Secretary of State, if for the Governor.

(d) The official call for such election shall be published one time as follows:

(1) In a newspaper of general circulation in the electoral district, if such election is for a state officer;

(2) In the official organ of the county, if such election is for a county officer; or

(3) In the official gazette of the municipality, if such election is for a municipal officer.

(e) It shall be the duty of the appropriate official authorized by law to conduct elections to hold and conduct the recall election and to declare and certify the results; provided, however, that if the person sought to be recalled is the official authorized by law to conduct elections, the clerk of the superior court of the county in which such recall election is to be held shall hold and conduct the recall election and declare and certify the results. The ballot for the recall election shall state the name and office of the person whose recall has been petitioned, and the ballot shall be in the form prescribed by law for state, county, or municipal officers. The ballot shall have written or printed thereon the following:

“[] YES Shall (name of officeholder), (name of office), be recalled and removed from public office on the grounds that said official has, while holding public office, conducted himself or herself in a manner which relates to and adversely affects the administration of his or her office and adversely affects the rights and interests of the public and on the ground(s) that such official _____ (State the appropriate ground or grounds for recall as set forth in subparagraph (B) of paragraph (7) of Code Section 21-4-3.)?”

If more than one public officer is subject to a recall election in the same precinct, the election superintendent may prepare a recall ballot so as to include on a single ballot separate recall questions for each of the officers sought to be recalled.

(f) Those persons desiring to vote in favor of recall shall vote “Yes,” and those persons desiring to vote against recall shall vote “No.” If more than one-half of the votes cast on such question are in favor of recall, the public office in question shall immediately become vacant. Otherwise, the public official named in the recall petition shall continue in office.

(g) A special election shall be called by the appropriate state or local official to fill a vacancy created by recall. The special election shall be called within ten days after the date of the recall election and shall be conducted at least 30 days but not more than 45 days following the call. If no official is specifically designated by law or if the appropriate official has been recalled, the Governor shall issue the call for a special election to fill the vacancy created by recall. Any person who has been recalled from office under this chapter shall be eligible to offer for election to fill the vacancy created by recall.

History.

Code 1981, § 21-4-13, enacted by Ga. L. 1989, p. 1721, § 1; Ga. L. 1993, p. 118, § 1; Ga. L. 2024, p. 689, § 13/SB 212, effective January 1, 2025.

Amendments.

The 2024 amendment, effective January 1, 2025, rewrote subsection (c).

CHAPTER 5

GOVERNMENT TRANSPARENCY AND CAMPAIGN FINANCE

Article 1		Sec.	
General Provisions			
Sec.			public officers, candidates for public office, elected officials, and members of the General Assembly; electronic filing.
21-5-7.	(Effective until January 1, 2026.) Initiation of complaints.	21-5-50.	(Effective January 1, 2026.) Filing of financial disclosure statements by public officers, candidates for public office, elected officials, and members of the General Assembly; electronic filing.
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21-5-34.	(Effective January 1, 2026.) Campaign contribution disclosure reports; committee registration.		
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		21-5-73.	(Effective January 1, 2026.) Disclosure reports.

ARTICLE 1

GENERAL PROVISIONS

21-5-7. (Effective until January 1, 2026.) Initiation of complaints.

The commission shall not initiate any investigation or inquiry into any matter under its jurisdiction based upon the complaint of any person,

including a staff attorney employed by the commission, unless that person or staff attorney shall produce the same in writing and verify the same under oath to the best information, knowledge, and belief of such person, the falsification of which shall be punishable as false swearing under Code Section 16-10-71. The person against whom any complaint is made shall be furnished by hand delivery or statutory overnight delivery or mailed by certified mail, return receipt requested, a copy of the complaint by the commission within two business days of the commission's receipt of such complaint and prior to any other public dissemination of such complaint.

History.

Code 1981, § 21-5-7, enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1987, p. 297, § 6; Ga. L. 2000, p. 1619, § 6; Ga. L. 2005, p. 859, § 6/HB 48; Ga. L. 2022, p. 3, § 6/SB 120.

Delayed effective date.

Code Section 21-5-7 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

21-5-7. (Effective January 1, 2026.) Initiation of complaints.

(a) The commission shall not initiate any investigation or inquiry into any matter under its jurisdiction based upon the complaint of any person, including a staff attorney employed by the commission, unless that person or staff attorney shall produce the same in writing and verify the same under oath to the best information, knowledge, and belief of such person, the falsification of which shall be punishable as false swearing under Code Section 16-10-71.

(b) The person against whom any complaint is made shall be furnished by hand delivery or statutory overnight delivery or mailed by certified mail, return receipt requested, a copy of the complaint by the commission within two business days of the commission's receipt of such complaint and prior to any other public dissemination of such complaint.

(c) The commission shall not accept or reject a complaint made, nor issue a complaint on its own cognizance, against a candidate in the 60 days immediately prior to an election in which such candidate is seeking nomination for election or election.

History.

Code 1981, § 21-5-7, enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1987, p. 297, § 6; Ga. L. 2000, p. 1619, § 6; Ga. L. 2005, p. 859, § 6/HB 48; Ga. L. 2022, p. 3, § 6/SB 120; Ga. L. 2025, p. 749, § 1/SB 199, effective January 1, 2026.

Delayed effective date.

Code Section 21-5-7 is set out twice in this Code. This version is effective

January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective January 1, 2026, designated the existing provisions of this Code section as subsections (a) and (b) and added subsection (c).

21-5-16. Soliciting the organization of political events on school property.

No candidate, campaign committee, or political action committee shall solicit any individual under the age of 18 years to fraudulently organize an event on the property of any local school system when the purpose of such event is influencing the nomination for election or election of any person for office, bringing about the recall of a public officer holding elective office or opposing the recall of a public officer holding elective office, or the influencing of voter approval or rejection of a proposed constitutional amendment, a state-wide referendum, or a proposed question which is to appear on the ballot in this state or in a county or a municipal election in this state when such event is otherwise prohibited by law or by policy of the local school system or an individual school thereof.

History.

Code 1981, § 21-5-16, enacted by Ga. L. 2025, p. 877, § 3/SB 212, effective May 14, 2025.

Effective date.

This Code section became effective May 14, 2025.

Cross references.

Students registering vote, § 20-2-310.

ARTICLE 2

CAMPAIGN CONTRIBUTIONS

21-5-33. Disposition of contributions.

JUDICIAL DECISIONS

Judge's misuse of campaign funds.

— Judge was removed from office after the judge was found to have financed a trip to Hawaii with campaign funds, failed to report transfers of campaign funds to the judge's law office account, accepted an

unsecured, unguaranteed loan from a vulnerable individual, among other wrongs, all which involved bad faith. Inquiry Concerning Coomer, 316 Ga. 855, 892 S.E.2d 3, 2023 Ga. LEXIS 160 (2023).

21-5-34. (Effective until January 1, 2026.) Campaign contribution disclosure reports; committee registration.

- (a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee organized to bring about the nomination or election of a candidate for any office and the chairperson or treasurer of every campaign committee designed to bring about the recall of a public officer or to oppose the recall of a public officer or designed to bring about the approval or rejection by the voters of any proposed constitutional amendment, state-wide proposed question, or state-wide referendum shall electronically sign and file

with the commission the required campaign contribution disclosure reports; provided, however, that public offices listed in subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3 shall be subject to signing and filing requirements as prescribed by paragraph (3) or (4) of this subsection, and recalls for such offices shall be subject to signing and filing requirements the same as required of candidates for such offices as prescribed by paragraph (3) or (4) of this subsection.

(B) The chairperson or treasurer of each independent committee shall file the required disclosure reports with the commission.

(2)(A) Any campaign committee which accepts contributions or makes expenditures designed to bring about the approval or rejection by the voters of any proposed question which is to appear on the ballot in this state shall register with the commission and file campaign contribution disclosure reports as prescribed by this chapter or, in the case of any proposed question which is to appear on the ballot in a county or municipal election, shall register and file campaign disclosure reports with the same officials as prescribed by paragraph (3) or (4) of this subsection for candidates for county or municipal offices; provided, however, that such reports shall only be required if such campaign committee has received contributions which total more than \$500.00 or if such campaign committee has made expenditures which total more than \$500.00. All advertising pertaining to referendums shall identify the principal officer of such campaign committee by listing or stating the name and title of the principal officer.

(B) If a campaign committee is required to file a report with the commission under subparagraph (A) of this paragraph, such report shall be electronically filed. Any such report shall be filed 15 days prior to the date of the election; and a final report shall be filed prior to December 31 of the election year.

(3) A candidate for a public office listed in subparagraph (F) of paragraph (22) of Code Section 21-5-3 or the chairperson or treasurer of such candidate's campaign committee shall sign and file the required disclosure reports with the election superintendent in the county of election. Upon receipt of any such report, the election superintendent shall cause such report to be available for inspection and copying in accordance with Article 4 of Chapter 18 of Title 50. The election superintendent shall transmit a copy of each such report to the commission, electronically by eFiling or eFax, not later than 30 days after the end of the grace period. No fine, fee, or sanction, including but not limited to identifying a candidate as having filed late or failed to file, shall be imposed by the commission on a candidate for the failure of the election superintendent to timely

transmit a copy of such report. The commission is authorized to impose civil penalties pursuant to subparagraph (b)(14)(C) of Code Section 21-5-6 against an election superintendent who fails to properly transmit a copy of each such report, upon finding that said superintendent willfully failed to comply with the provisions of this chapter.

(4) A candidate for a public office listed in subparagraph (G) of paragraph (22) of Code Section 21-5-3 or the chairperson or treasurer of such candidate's campaign committee shall sign and file the required disclosure reports with the municipal clerk in the municipality of election or, if there is no clerk, with the chief executive officer of the municipality; provided, however, that a municipality and a county may enter into an agreement whereby such candidates, chairpersons, or treasurers shall file the required disclosure reports with the county election superintendent instead. Upon receipt of any such report, the municipal clerk, chief executive officer of the municipality, or county election superintendent, as applicable, shall cause such report to be available for inspection and copying in accordance with Article 4 of Chapter 18 of Title 50. The municipal clerk, chief executive officer of the municipality, or county election superintendent, as applicable, shall transmit a copy of each such report to the commission, electronically by eFiling or eFax, not later than 30 days after the end of the grace period. No fine, fee, or sanction, including but not limited to identifying a candidate as having filed late or failed to file, shall be imposed by the commission on a candidate for the failure of the municipal clerk, chief executive officer of the county, or county election superintendent to timely transmit a copy of such report. The commission is authorized to impose civil penalties pursuant to subparagraph (b)(14)(C) of Code Section 21-5-6 against a municipal clerk, chief executive officer of the county, or county election superintendent who fails to properly transmit a copy of each such report, upon finding that said municipal clerk, chief executive officer of the county, or county election superintendent willfully failed to comply with the provisions of this chapter.

(b)(1) All reports shall list the following:

(A) As to any contribution of more than \$100.00, its amount and date of receipt, the election for which the contribution has been accepted and allocated, along with the name and mailing address of the contributor, and, if the contributor is an individual, that individual's occupation and the name of his or her employer. Such contributions shall include, but shall not be limited to, the purchase of tickets for events such as dinners, luncheons, rallies, and similar fund-raising events coordinated for the purpose of raising campaign contributions for the reporting person;

(B) As to any expenditure of more than \$100.00, its amount and date of expenditure, the name and mailing address of the recipient receiving the expenditure, and, if that recipient is an individual, that individual's occupation and the name of his or her employer and the general purpose of the expenditure;

(C) When a contribution consists of a loan, advance, or other extension of credit, the report shall also contain the name of the lending institution or party making the advance or extension of credit and the names, mailing addresses, occupations, and places of employment of all persons having any liability for repayment of the loan, advance, or extension of credit; and, if any such persons shall have a fiduciary relationship to the lending institution or party making the advance or extension of credit, the report shall specify such relationship;

(D) Total contributions received and total expenditures shall be reported for an election cycle as follows:

(i) The first report filed after an election year shall list the cash on hand brought forward from the previous election cycle, if any, and the total contributions received during the period covered by the report;

(ii) Subsequent reports shall list the total contributions received during the period covered by the report and the cumulative total of contributions received during the election cycle;

(iii) The first report filed after an election year shall list the total expenditures made during the period covered by the report;

(iv) Subsequent reports shall list the total expenditures made during the period covered by the report, the cumulative total of expenditures made during the election cycle, and net balance on hand; and

(v) If a public officer seeks reelection to the same public office, or if the public officer is a member of the General Assembly seeking reelection in another district as a result of redistricting, the net balance on hand at the end of the current election cycle shall be carried forward to the first report filed after the election year;

(E) The corporate, labor union, or other affiliation of any political action committee or independent committee making a contribution of more than \$100.00;

(F) Any investment made with funds of a campaign committee, independent committee, or political action committee and held outside such committee's official depository account during each

reporting period for which an investment exists or a transaction applying to an identifiable investment is made. The report shall identify the name of the entity or person with whom such investment was made, the initial and any subsequent amount of such investment if such investment was made during the reporting period, and any profit or loss from the sale of such investment which occurred during such reporting period; and

(G) Total debt owed on the last day of the reporting period.

(2) Each report shall be in such form as will allow for the separate identification of a contribution or contributions which are less than \$100.00 but which become reportable due to the receipt of an additional contribution or contributions which when combined with such previously received contribution or contributions cumulatively equal or exceed \$100.00.

(c) Candidates or campaign committees which accept contributions, make expenditures designed to bring about the nomination or election of a candidate, or have filed a declaration of intention to accept campaign contributions pursuant to subsection (g) of Code Section 21-5-30 shall file campaign contribution disclosure reports in compliance with the following schedule:

(1) In each nonelection year:

(A) Candidates for public office and public officers as defined in subparagraphs (A), (C), and (D) of paragraph (22) of Code Section 21-5-3 shall file on January 31 and June 30.

(B) Candidates for public office and public officers as defined in subparagraphs (B), (F), and (G) of paragraph (22) of Code Section 21-5-3 shall file on June 30 and December 31;

(2) In each election year:

(A) On January 31, April 30, June 30, September 30, October 25, and December 31;

(B) Six days before any run-off primary or election in which the candidate is listed on the ballot; and

(C) During the period of time between the last report due prior to the date of any election for which the candidate is qualified and the date of such election, all contributions of \$1,000.00 or more shall be reported within two business days of receipt and also reported on the next succeeding regularly scheduled campaign contribution disclosure report; provided, however, that this subparagraph shall only apply to contributions of \$1,000.00 or more that are designated for the same actual election as the one for which the individual is currently a candidate. Nothing in this Code

section shall be construed to require a contribution of \$1,000.00 or more that is designated as a general election contribution to be reported during the two business day report period of a primary election;

(3) If the candidate is a candidate in a special primary or special primary runoff, 15 days prior to the special primary and six days prior to the special primary runoff; and

(4) If the candidate is a candidate in a special election or special election runoff, 15 days prior to the special election and six days prior to the special election runoff.

All persons or entities required to file reports shall have a five-day grace period in filing the required reports, except that the grace period shall be two days for required reports prior to run-off primaries or run-off elections, and no grace period shall apply to contributions required to be reported within two business days. Reports required to be filed within two business days of a contribution shall be reported by facsimile or electronic transmission. Any facsimile filing shall also have an identical electronic filing within five business days following the transmission of such facsimile filing. Each report required in the election year shall contain cumulative totals of all contributions which have been received and all expenditures which have been made in support of the campaign in question and which are required, or previously have been required, to be reported.

(d) In the event any candidate covered by this chapter has no opposition in either a primary or a general election and receives no contribution of more than \$100.00, such candidate shall only be required to make the initial and final report as required under this chapter.

(d.1)(1) In the event a candidate for nomination or election to a public office listed in subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3 or the chairperson or treasurer of a campaign committee organized to bring about the nomination or election of such candidate signs and files with the appropriate official specified by paragraph (3) or (4) of subsection (a) of this Code section a written notice that such candidate or campaign committee does not intend to accept during such election cycle a combined total of contributions exceeding \$2,500.00 for the campaign nor make a combined total of expenditures exceeding \$2,500.00 for the campaign in such election cycle, then such candidate or campaign committee shall not be required to file a report under this Code section. The appropriate official shall transmit an electronic copy of the written notice by eFiling or eFax to the commission within ten days of receipt of such notice. The failure of the appropriate official to timely transmit such

copy of the written notice to the commission shall not disqualify the candidate or campaign committee from the exemption from report filing provided by this paragraph.

(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 December 31 reports required by paragraph (2) of subsection (c) of this Code section. The first such report shall include all contributions received and expenditures made beginning January 1 of such calendar year.

(3) If such candidate or campaign committee accepts a combined total of contributions exceeding \$5,000.00 or makes expenditures exceeding \$5,000.00 for such campaign during any such election cycle, then such candidate or campaign committee chairperson or treasurer shall thereupon be subject to the reporting requirements of this Code section the same as if the written notice authorized by this subsection had not been filed.

(e) Any person who makes contributions to, accepts contributions for, or makes expenditures on behalf of candidates, and any independent committee, shall file a registration in the same manner as is required of campaign committees prior to accepting or making contributions or expenditures. Such persons, other than independent committees, shall also file campaign contribution disclosure reports at the same times as required of the candidates they are supporting and a December 31 campaign contribution disclosure report regardless of whether the candidate they are supporting has a December 31 campaign contribution disclosure report due. The following persons shall be exempt from the foregoing registration and reporting requirements:

(1) Individuals making aggregate contributions of \$25,000.00 or less directly to candidates or the candidates' campaign committees in one calendar year;

(2) Persons other than individuals making aggregate contributions and expenditures to or on behalf of candidates of \$25,000.00 or less in one calendar year; and

(3) Contributors who make contributions to only one candidate during one calendar year.

(f)(1) Any independent committee which accepts contributions or makes expenditures for the purpose of affecting the outcome of an

election or advocates the election or defeat of any candidate shall register with the commission prior to accepting contributions or making expenditures and shall file disclosure reports as follows:

(A) On the first day of each of the two calendar months preceding any such election;

(B) Two weeks prior to the date of such election; and

(C) Within the two-week period prior to the date of such election the independent committee shall report within two business days any contributions or expenditure of more than \$1,000.00.

The independent committee shall file a final report prior to December 31 of the election year and shall file supplemental reports on June 30 and December 31 of each year that such independent committee continues to accept contributions or make expenditures.

(2) Reports filed by independent committees shall list the following:

(A) The amount and date of receipt, along with the name, mailing address, occupation, and employer of any person making a contribution of more than \$100.00;

(B) The name, mailing address, occupation, and employer of any person to whom an expenditure or provision of goods or services of the value of more than \$100.00 is made and the amount, date, and general purpose thereof, including the name of the candidate or candidates, if any, on behalf of whom, or in support of or in opposition to whom, the expenditure or provision was made;

(C) Total expenditures made as follows:

(i) Expenditures shall be reported for the applicable reporting year;

(ii) The first report of a reporting year shall list the total expenditures made during the period covered by the report; and

(iii) Subsequent reports shall list the total expenditures made during the period covered by the report, the cumulative total of expenditures made during the reporting year, and net balance on hand; and

(D) The corporate, labor union, or other affiliation of any political action committee, candidate, campaign committee, or independent committee making a contribution of the value of more than \$100.00.

(3) Whenever any independent committee makes an expenditure for the purpose of financing any communication intended to affect the

outcome of an election, such communication shall clearly state that it has been financed by such independent committee.

(g) Any campaign committee which accepts contributions or makes expenditures designed to bring about the recall of a public officer or to oppose the recall of a public officer shall file campaign contribution disclosure reports as follows:

(1) An initial report shall be filed within 15 days after the date when the official recall petition forms were issued to the sponsors;

(2) A second report shall be filed 45 days after the filing of the initial report;

(3) A third report shall be filed within 20 days after the election superintendent certifies legal sufficiency or insufficiency of a recall petition; and

(4) A final report shall be filed prior to December 31 of the year in which the recall election is held or, in any case where such recall election is not held, a final report shall be filed prior to December 31 of any year in which such campaign committee accepts such contributions or makes such expenditures.

(h) Any campaign committee which accepts contributions or makes expenditures designed to bring about the approval or rejection by the voters of a proposed constitutional amendment or a state-wide referendum shall file a campaign contribution disclosure report 75, 45, and 15 days prior to the date of the election and shall file a final report prior to December 31 of the election year.

(i)(1) Any person elected to a public office who is required to file campaign contribution disclosure reports pursuant to this article shall, upon leaving public office with excess contributions, be required to file supplemental campaign contribution disclosure reports on June 30 and December 31 of each year until such contributions are expended in a campaign for elective office or used as provided in subsection (b) of Code Section 21-5-33.

(2) Any person who is an unsuccessful candidate in an election and who is required to file campaign contribution disclosure reports pursuant to this article shall for the remainder of the election cycle file such reports at the same times as a successful candidate and thereafter, upon having excess contributions from such campaign, be required to file a supplemental campaign contribution disclosure report no later than December 31 of each year until such contributions are expended in a campaign for elective office or used as provided in subsection (b) of Code Section 21-5-33. Any unsuccessful candidate in an election who is required to file campaign contribution disclosure reports pursuant to this article and who receives

contributions following such election to retire debts incurred in such campaign for elective office shall be required to file a supplemental campaign contribution disclosure report no later than December 31 of each year until such unpaid expenditures from such campaign are satisfied.

(j) Notwithstanding any other provision of this chapter to the contrary, soil and water conservation district supervisors elected pursuant to Article 2 of Chapter 6 of Title 2, the “Soil and Water Conservation Districts Law,” shall not be required to file campaign contribution disclosure reports under this Code section.

(k)(1) In addition to other penalties provided under this chapter, a late fee of \$125.00 shall be imposed by the person or entity with which filing is required for each report that is filed late, and notice of such late fee shall be sent to the candidate and the candidate’s committee in the same manner by which the penalized report was filed with the commission. However, if the report in question was not filed or was filed with the commission in a manner other than electronic filing or certified mail, return receipt requested, the commission shall utilize certified mail, return receipt requested, to notify the candidate and the candidate’s committee of the late fee due. The notice shall include the schedule of increasing late fees for late filings and the dates upon which such late fees shall be increased. In addition, a late fee of \$250.00 shall be imposed on the fifteenth day after the due date for such report if the report has not been filed by such date. A late fee of \$1,000.00 shall be imposed on the forty-fifth day after the due date for such report if such report has not been filed. Notice by electronic means does not satisfy the requirements of this paragraph; and any increased late fees shall be stayed until at least ten days after proper notice has been given as specified in this paragraph.

(2) The commission shall retain \$25.00 of the first late fee received by the commission for processing pursuant to the provisions of Code Section 45-12-92.1.

(l) It shall be the duty of the commission or other official when it receives for filing any disclosure report or statement or other document that may be filed by mail to maintain with the filed document a copy of the postal markings or statutory overnight delivery service markings of any envelope, package, or wrapping in which the document was delivered for filing if mailed or sent after the date such filing was due.

(m) Any person or entity which is required to be registered under this Code section shall file a termination statement together with its final campaign contribution disclosure report as required by this Code section within ten days of the dissolution of a campaign or committee.

The termination statement shall identify the person responsible for maintaining campaign records as required by this chapter.

History.

Code 1981, § 21-5-34, enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1987, p. 297, § 11; Ga. L. 1987, p. 458, §§ 4, 5; Ga. L. 1988, p. 603, §§ 4, 5; Ga. L. 1989, p. 10, § 1; Ga. L. 1990, p. 643, § 1; Ga. L. 1990, p. 922, §§ 3, 4; Ga. L. 1992, p. 1075, § 6; Ga. L. 1994, p. 257, § 1; Ga. L. 1994, p. 258, §§ 5-9; Ga. L. 1996, p. 26, § 1; Ga. L. 2000, p. 1491, § 3; Ga. L. 2005, p. 859, § 12/HB 48; Ga. L. 2006, p. 69, § 1/SB 467; Ga. L. 2009, p. 620, § 3/SB 168; Ga. L. 2010, p. 9, § 1-47/HB 1055; Ga. L. 2010, p. 1173, § 11/SB 17; Ga. L. 2011, p.

19, § 4/HB 232; Ga. L. 2011, p. 590, § 1/HB 143; Ga. L. 2013, p. 173, § 3/HB 143; Ga. L. 2013, p. 540, § 3/HB 142; Ga. L. 2014, p. 1, § 9/HB 310; Ga. L. 2014, p. 9, § 2/SB 297; Ga. L. 2016, p. 173, § 7/SB 199; Ga. L. 2018, p. 1112, § 21/SB 365; Ga. L. 2019, p. 929, § 1/SB 213; Ga. L. 2023, p. 608, § 4/HB 572, effective July 1, 2023.

Delayed effective date.

Code Section 21-5-34 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

JUDICIAL DECISIONS

Judge's misuse of campaign funds.

— Judge was removed from office after the judge was found to have financed a trip to Hawaii with campaign funds, failed to report transfers of campaign funds to the judge's law office account, accepted an

unsecured, unguaranteed loan from a vulnerable individual, among other wrongs, all which involved bad faith. Inquiry Concerning Coomer, 316 Ga. 855, 892 S.E.2d 3, 2023 Ga. LEXIS 160 (2023).

21-5-34. (Effective January 1, 2026.) Campaign contribution disclosure reports; committee registration.

(a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee organized to bring about the nomination or election of a candidate for any office and the chairperson or treasurer of every campaign committee designed to bring about the recall of a public officer or to oppose the recall of a public officer or designed to bring about the approval or rejection by the voters of any proposed constitutional amendment, state-wide proposed question, or state-wide referendum shall electronically sign and file with the commission the required campaign contribution disclosure reports.

(B) The chairperson or treasurer of each independent committee shall file the required disclosure reports with the commission.

(2)(A) Any campaign committee which accepts contributions or makes expenditures designed to bring about the approval or rejection by the voters of any proposed question which is to appear on the ballot in this state shall register with the commission and file campaign contribution disclosure reports as prescribed by this chapter; provided, however, that such reports shall only be required if such campaign committee has received contributions

which total more than \$500.00 or if such campaign committee has made expenditures which total more than \$500.00. All advertising pertaining to referendums shall identify the principal officer of such campaign committee by listing or stating the name and title of the principal officer.

(B) If a campaign committee is required to file a report with the commission under subparagraph (A) of this paragraph, such report shall be electronically filed. Any such report shall be filed 15 days prior to the date of the election. A final report shall be filed prior to December 31 of the election year.

(a.1)(1) (Repealed effective December 31, 2026.) Notwithstanding the provisions of subsections (a) and (d.1) of this Code section to the contrary, public offices listed in subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3 shall be subject to the following signing and filing requirements until December 31, 2026:

(A) A candidate for a public office listed in subparagraph (F) of paragraph (22) of Code Section 21-5-3 or the chairperson or treasurer of such candidate's campaign committee shall sign and file the required disclosure reports with the election superintendent in the county of election. Upon receipt of any such report, the election superintendent shall cause such report to be available for inspection and copying in accordance with Article 4 of Chapter 18 of Title 50. The election superintendent shall transmit a copy of each such report to the commission, electronically by eFiling or eFax, not later than 30 days after the end of the grace period. No fine, fee, or sanction, including but not limited to identifying a candidate as having filed late or failed to file, shall be imposed by the commission on a candidate for the failure of the election superintendent to timely transmit a copy of such report. The commission is authorized to impose civil penalties pursuant to subparagraph (b)(14)(C) of Code Section 21-5-6 against an election superintendent who fails to properly transmit a copy of each such report, upon finding that such superintendent willfully failed to comply with the provisions of this chapter; or

(B) A candidate for a public office listed in subparagraph (G) of paragraph (22) of Code Section 21-5-3 or the chairperson or treasurer of such candidate's campaign committee shall sign and file the required disclosure reports with the municipal clerk in the municipality of election or, if there is no clerk, with the chief executive officer of the municipality; provided, however, that a municipality and a county may enter into an agreement whereby such candidates, chairpersons, or treasurers shall file the required disclosure reports with the county election superintendent instead. Upon receipt of any such report, the municipal clerk, chief

executive officer of the municipality, or county election superintendent, as applicable, shall cause such report to be available for inspection and copying in accordance with Article 4 of Chapter 18 of Title 50. The municipal clerk, chief executive officer of the municipality, or county election superintendent, as applicable, shall transmit a copy of each such report to the commission, electronically by eFiling or eFax, not later than 30 days after the end of the grace period. No fine, fee, or sanction, including but not limited to identifying a candidate as having filed late or failed to file, shall be imposed by the commission on a candidate for the failure of the municipal clerk, chief executive officer of the county, or county election superintendent to timely transmit a copy of such report. The commission is authorized to impose civil penalties pursuant to subparagraph (b)(14)(C) of Code Section 21-5-6 against a municipal clerk, chief executive officer of the county, or county election superintendent, as applicable, who fails to properly transmit a copy of each such report, upon finding that such municipal clerk, chief executive officer of the county, or county election superintendent willfully failed to comply with the provisions of this chapter.

(2)(A) In the event a candidate for nomination or election to a public office listed in subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3 or the chairperson or treasurer of a campaign committee organized to bring about the nomination or election of such candidate signs and files with the appropriate official specified by subparagraphs (A) and (B) of paragraph (1) of this subsection a written notice that such candidate or campaign committee does not intend to accept during such election cycle a combined total of contributions exceeding \$2,500.00 for the campaign nor make a combined total of expenditures exceeding \$2,500.00 for the campaign in such election cycle, then such candidate or campaign committee shall not be required to file a report under this Code section. The appropriate official shall transmit an electronic copy of the written notice by eFiling or eFax to the commission within ten days of receipt of such notice. The failure of the appropriate official to timely transmit such copy of the written notice to the commission shall not disqualify the candidate or campaign committee from the exemption from report filing provided by this paragraph.

(B) 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 July 31 and October 20 reports required by paragraph (2) of subsection (c) of this Code section. The first such report shall include all contributions received and expenditures made beginning January 1 of such calendar year.

(C) If such candidate or campaign committee accepts a combined total of contributions exceeding \$5,000.00 or makes expenditures exceeding \$5,000.00 for such campaign during any such election cycle, then such candidate or campaign committee chairperson or treasurer shall thereupon be subject to the reporting requirements of this Code section the same as if the written notice authorized by this subsection had not been filed.

(3) This subsection shall stand repealed on December 31, 2026.

(b)(1) All reports shall list the following:

(A) As to any contribution of more than \$100.00, its amount and date of receipt, the election for which the contribution has been accepted and allocated, along with the name and mailing address of the contributor, and, if the contributor is an individual, that individual's occupation and the name of his or her employer. Such contributions shall include, but shall not be limited to, the purchase of tickets for events such as dinners, luncheons, rallies, and similar fund-raising events coordinated for the purpose of raising campaign contributions for the reporting person;

(B) As to any expenditure of more than \$100.00, its amount and date of expenditure, the name and mailing address of the recipient receiving the expenditure, and, if that recipient is an individual, that individual's occupation and the name of his or her employer and the general purpose of the expenditure;

(C) When a contribution consists of a loan, advance, or other extension of credit, the report shall also contain the name of the lending institution or party making the advance or extension of credit and the names, mailing addresses, occupations, and places of employment of all persons having any liability for repayment of the loan, advance, or extension of credit; and, if any such persons shall have a fiduciary relationship to the lending institution or party making the advance or extension of credit, the report shall specify such relationship;

(D) Total contributions received and total expenditures shall be reported for an election cycle as follows:

(i) The first report filed after an election year shall list the cash on hand brought forward from the previous election cycle, if any, and the total contributions received during the period covered by the report;

(ii) Subsequent reports shall list the total contributions received during the period covered by the report and the cumulative total of contributions received during the election cycle;

(iii) The first report filed after an election year shall list the total expenditures made during the period covered by the report;

(iv) Subsequent reports shall list the total expenditures made during the period covered by the report, the cumulative total of expenditures made during the election cycle, and net balance on hand; and

(v) If a public officer seeks reelection to the same public office, or if the public officer is a member of the General Assembly seeking reelection in another district as a result of redistricting, the net balance on hand at the end of the current election cycle shall be carried forward to the first report filed after the election year;

(E) The corporate, labor union, or other affiliation of any political action committee or independent committee making a contribution of more than \$100.00;

(F) Any investment made with funds of a campaign committee, independent committee, or political action committee and held outside such committee's official depository account during each reporting period for which an investment exists or a transaction applying to an identifiable investment is made. The report shall identify the name of the entity or person with whom such investment was made, the initial and any subsequent amount of such investment if such investment was made during the reporting period, and any profit or loss from the sale of such investment which occurred during such reporting period; and

(G) Total debt owed on the last day of the reporting period.

(2) Each report shall be in such form as will allow for the separate identification of a contribution or contributions which are less than \$100.00 but which become reportable due to the receipt of an additional contribution or contributions which when combined with such previously received contribution or contributions cumulatively equal or exceed \$100.00.

(c) Candidates or campaign committees which accept contributions, make expenditures designed to bring about the nomination or election of a candidate, or have filed a declaration of intention to accept campaign contributions pursuant to subsection (g) of Code Section 21-5-30 shall file campaign contribution disclosure reports in compliance with the following schedule:

(1) In each nonelection year on January 31, April 30, July 31, and October 20;

(2) In each election year:

(A) On January 31, April 30, July 31, and October 20;

(B) Six days before any run-off primary or election in which the candidate is listed on the ballot; and

(C) During the period of time between the last report due prior to the date of any election for which the candidate is qualified and the date of such election, all contributions of \$1,000.00 or more shall be reported within two business days of receipt and also reported on the next succeeding regularly scheduled campaign contribution disclosure report; provided, however, that this subparagraph shall only apply to contributions of \$1,000.00 or more that are designated for the same actual election as the one for which the individual is currently a candidate. Nothing in this Code section shall be construed to require a contribution of \$1,000.00 or more that is designated as a general election contribution to be reported during the two business day report period of a primary election;

(3) If the candidate is a candidate in a special primary or special primary runoff, 15 days prior to the special primary and six days prior to the special primary runoff; and

(4) If the candidate is a candidate in a special election or special election runoff, 15 days prior to the special election and six days prior to the special election runoff.

All persons or entities required to file reports shall have a five-day grace period in filing the required reports, except that the grace period shall be two days for required reports prior to run-off primaries or run-off elections, and no grace period shall apply to contributions required to be reported within two business days. Reports required to be filed within two business days of a contribution shall be reported by facsimile or electronic transmission. Any facsimile filing shall also have an identical electronic filing within five business days following the transmission of such facsimile filing. Each report required in the election year shall contain cumulative totals of all contributions which have been received and all expenditures which have been made in support of the campaign in question and which are required, or previously have been required, to be reported.

(d) In the event any candidate covered by this chapter has no opposition in either a primary or a general election and receives no contribution of more than \$100.00, such candidate shall only be required to make the initial and final report as required under this chapter.

(d.1)(1) In the event a candidate for nomination or election to a public office listed in subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3 or the chairperson or treasurer of a campaign committee organized to bring about the nomination or election of such candidate signs and files with the commission a written notice that such candidate or campaign committee does not intend to accept during such election cycle a combined total of contributions exceeding \$2,500.00 for the campaign nor make a combined total of expenditures exceeding \$2,500.00 for the campaign in such election cycle, then such candidate or campaign committee shall not be required to file a report under this Code section.

(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 July 31 and October 20 reports required by paragraph (2) of subsection (c) of this Code section. The first such report shall include all contributions received and expenditures made beginning January 1 of such calendar year.

(3) If such candidate or campaign committee accepts a combined total of contributions exceeding \$5,000.00 or makes expenditures exceeding \$5,000.00 for such campaign during any such election cycle, then such candidate or campaign committee chairperson or treasurer shall thereupon be subject to the reporting requirements of this Code section the same as if the written notice authorized by this subsection had not been filed.

(e) Any person who makes contributions to, accepts contributions for, or makes expenditures on behalf of candidates, and any independent committee, shall file a registration in the same manner as is required of campaign committees prior to accepting or making contributions or expenditures. Such persons, other than independent committees, shall also file campaign contribution disclosure reports at the same times as required of the candidates they are supporting and a December 31 campaign contribution disclosure report regardless of whether the candidate they are supporting has a December 31 campaign contribution disclosure report due. The following persons shall be exempt from the foregoing registration and reporting requirements:

(1) Individuals making aggregate contributions of \$25,000.00 or less directly to candidates or the candidates' campaign committees in one calendar year;

(2) Persons other than individuals making aggregate contribu-

tions and expenditures to or on behalf of candidates of \$25,000.00 or less in one calendar year; and

(3) Contributors who make contributions to only one candidate during one calendar year.

(e.1) Any political action committee which makes contributions to, accepts contributions for, or makes expenditures on behalf of candidates shall file a registration in the same manner as is required of campaign committees prior to accepting or making contributions or expenditures. Prior to such registration, such political action committee shall open a bank account in the name of such political action committee and shall maintain such bank account until the political action committee is terminated. Such political action committee shall also file campaign contribution disclosure reports on January 31, April 30, July 31, and October 20 of each year until the bank account required by this subsection has been zeroed out and the political action committee has been terminated.

(f)(1) Any independent committee which accepts contributions or makes expenditures for the purpose of affecting the outcome of an election or advocates the election or defeat of any candidate shall register with the commission prior to accepting contributions or making expenditures and shall file disclosure reports as follows:

(A) On the first day of each of the two calendar months preceding any such election;

(B) Two weeks prior to the date of such election; and

(C) Within the two-week period prior to the date of such election the independent committee shall report within two business days any contributions or expenditure of more than \$1,000.00.

The independent committee shall file a final report prior to December 31 of the election year and shall file supplemental reports on June 30 and December 31 of each year that such independent committee continues to accept contributions or make expenditures.

(2) Reports filed by independent committees shall list the following:

(A) The amount and date of receipt, along with the name, mailing address, occupation, and employer of any person making a contribution of more than \$100.00;

(B) The name, mailing address, occupation, and employer of any person to whom an expenditure or provision of goods or services of the value of more than \$100.00 is made and the amount, date, and general purpose thereof, including the name of the candidate or candidates, if any, on behalf of whom, or in support of or in opposition to whom, the expenditure or provision was made;

(C) Total expenditures made as follows:

(i) Expenditures shall be reported for the applicable reporting year;

(ii) The first report of a reporting year shall list the total expenditures made during the period covered by the report; and

(iii) Subsequent reports shall list the total expenditures made during the period covered by the report, the cumulative total of expenditures made during the reporting year, and net balance on hand; and

(D) The corporate, labor union, or other affiliation of any political action committee, candidate, campaign committee, or independent committee making a contribution of the value of more than \$100.00.

(3) Whenever any independent committee makes an expenditure for the purpose of financing any communication intended to affect the outcome of an election, such communication shall clearly state that it has been financed by such independent committee.

(g) Any campaign committee which accepts contributions or makes expenditures designed to bring about the recall of a public officer or to oppose the recall of a public officer shall file campaign contribution disclosure reports as follows:

(1) An initial report shall be filed within 15 days after the date when the official recall petition forms were issued to the sponsors;

(2) A second report shall be filed 45 days after the filing of the initial report;

(3) A third report shall be filed within 20 days after the election superintendent certifies legal sufficiency or insufficiency of a recall petition; and

(4) A final report shall be filed prior to December 31 of the year in which the recall election is held or, in any case where such recall election is not held, a final report shall be filed prior to December 31 of any year in which such campaign committee accepts such contributions or makes such expenditures.

(h) Any campaign committee which accepts contributions or makes expenditures designed to bring about the approval or rejection by the voters of a proposed constitutional amendment or a state-wide referendum shall file a campaign contribution disclosure report 75, 45, and 15 days prior to the date of the election and shall file a final report prior to December 31 of the election year.

(i)(1) Any person elected to a public office who is required to file campaign contribution disclosure reports pursuant to this article

shall, upon leaving public office with excess contributions, be required to file supplemental campaign contribution disclosure reports on January 31, April 30, July 31, and October 20 of each year until such contributions are expended in a campaign for elective office or used as provided in subsection (b) of Code Section 21-5-33.

(2) Any person who is an unsuccessful candidate in an election and who is required to file campaign contribution disclosure reports pursuant to this article shall for the remainder of the election cycle file such reports at the same times as a successful candidate and thereafter, upon having excess contributions from such campaign, be required to file a supplemental campaign contribution disclosure report on January 31, April 30, July 31, and October 20 of each year until such contributions are expended in a campaign for elective office or used as provided in subsection (b) of Code Section 21-5-33. Any unsuccessful candidate in an election who is required to file campaign contribution disclosure reports pursuant to this article and who receives contributions following such election to retire debts incurred in such campaign for elective office shall be required to file a supplemental campaign contribution disclosure report on January 31, April 30, July 31, and October 20 of each year until such unpaid expenditures from such campaign are satisfied.

(j) Notwithstanding any other provision of this chapter to the contrary, soil and water conservation district supervisors elected pursuant to Article 2 of Chapter 6 of Title 2, the “Soil and Water Conservation Districts Law,” shall not be required to file campaign contribution disclosure reports under this Code section.

(k)(1) In addition to other penalties provided under this chapter, a late fee of \$125.00 shall be imposed by the person or entity with which filing is required for each report that is filed late, and notice of such late fee shall be sent to the candidate and the candidate’s committee in the same manner by which the penalized report was filed with the commission. However, if the report in question was not filed or was filed with the commission in a manner other than electronic filing or certified mail, return receipt requested, the commission shall utilize certified mail, return receipt requested, to notify the candidate and the candidate’s committee of the late fee due. The notice shall include the schedule of increasing late fees for late filings and the dates upon which such late fees shall be increased. In addition, a late fee of \$250.00 shall be imposed on the fifteenth day after the due date for such report if the report has not been filed by such date. A late fee of \$1,000.00 shall be imposed on the forty-fifth day after the due date for such report if such report has not been filed. Notice by electronic means shall not satisfy the requirements of this paragraph; and any increased late fees shall be stayed until at least

ten days after proper notice has been given as specified in this paragraph.

(2) The commission shall retain \$25.00 of the first late fee received by the commission for processing pursuant to the provisions of Code Section 45-12-92.1.

(l) It shall be the duty of the commission when it receives for filing any disclosure report or statement or other document that may be filed by mail to maintain with the filed document a copy of the postal markings or statutory overnight delivery service markings of any envelope, package, or wrapping in which the document was delivered for filing if mailed or sent after the date such filing was due.

(m) Any person or entity which is required to be registered under this Code section shall file a termination statement together with its final campaign contribution disclosure report as required by this Code section within ten days of the dissolution of a campaign or committee. The termination statement shall identify the person responsible for maintaining campaign records as required by this chapter.

History.

Code 1981, § 21-5-34, enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1987, p. 297, § 11; Ga. L. 1987, p. 458, §§ 4, 5; Ga. L. 1988, p. 603, §§ 4, 5; Ga. L. 1989, p. 10, § 1; Ga. L. 1990, p. 643, § 1; Ga. L. 1990, p. 922, §§ 3, 4; Ga. L. 1992, p. 1075, § 6; Ga. L. 1994, p. 257, § 1; Ga. L. 1994, p. 258, §§ 5-9; Ga. L. 1996, p. 26, § 1; Ga. L. 2000, p. 1491, § 3; Ga. L. 2005, p. 859, § 12/HB 48; Ga. L. 2006, p. 69, § 1/SB 467; Ga. L. 2009, p. 620, § 3/SB 168; Ga. L. 2010, p. 9, § 1-47/HB 1055; Ga. L. 2010, p. 1173, § 11/SB 17; Ga. L. 2011, p. 19, § 4/HB 232; Ga. L. 2011, p. 590, § 1/HB 143; Ga. L. 2013, p. 173, § 3/HB 143; Ga. L. 2013, p. 540, § 3/HB 142; Ga.

L. 2014, p. 1, § 9/HB 310; Ga. L. 2014, p. 9, § 2/SB 297; Ga. L. 2016, p. 173, § 7/SB 199; Ga. L. 2018, p. 1112, § 21/SB 365; Ga. L. 2019, p. 929, § 1/SB 213; Ga. L. 2023, p. 608, § 4/HB 572, effective July 1, 2023; Ga. L. 2025, p. 749, § 2/SB 199, effective January 1, 2026.

Delayed effective date.

Code Section 21-5-34 is set out twice in this Code. This version is effective January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective January 1, 2026, rewrote this Code section.

21-5-34.2. Leadership committee defined; operation; separate from campaign committees.

JUDICIAL DECISIONS

Mootness. — In a matter concerning acceptance of political contributions by a leadership committee under O.C.G.A. § 21-5-34.2, the case was moot because the nominee and the Libertarian Party did not contend that the nominee would run and be nominated as a Libertarian Party candidate for one of the two offices

that would allow him to form a leadership committee; their complaint merely said that the nominee planned to run again as a Libertarian candidate for statewide public office in future elections. *Graham v. AG, Ga.*, 110 F.4th 1239, 2024 U.S. App. LEXIS 19358 (11th Cir. 2024).

ARTICLE 3
FINANCIAL DISCLOSURE STATEMENTS

21-5-50. (Effective until January 1, 2026.) Filing of financial disclosure statements by public officers, candidates for public office, elected officials, and members of the General Assembly; electronic filing.

(a)(1) Except as modified in subsection (c) of this Code section with respect to candidates for state-wide elected public office, each public officer, as defined in subparagraphs (A) through (D) of paragraph (22) of Code Section 21-5-3, shall file with the commission not before the first day of January nor later than July 1 of each year in which such public officer holds office other than an election year a financial disclosure statement for the preceding calendar year; and each person who qualifies as a candidate for election as a public officer, as defined in subparagraphs (A) through (D) of paragraph (22) of Code Section 21-5-3, shall file with the commission, no later than the fifteenth day following the date of qualifying as a candidate, a financial disclosure statement for the preceding calendar year.

(2) Except as set forth in paragraph (3) of this subsection, a public officer, as defined in subparagraph (E) of paragraph (22) of Code Section 21-5-3, shall not be required to file a financial disclosure statement pursuant to this Code section. Each such public officer shall, however, be deemed to be a public official for purposes of Code Section 45-10-26 and shall be subject to the disclosure requirements set forth in Code Section 45-10-26. In addition, each such public officer shall file with the commission, prior to January 31 each year, an affidavit confirming that such public officer took no official action in the previous calendar year that had a material effect on such public officer's private financial or business interests; provided, however, that, if a public officer as defined in subparagraph (E) of paragraph (22) of Code Section 21-5-3 has previously filed or is subject to filing a financial disclosure statement with the commission pursuant to this paragraph, and said financial disclosure statement covers the same calendar year as would be covered by the affidavit required by this Code section, the public officer shall be exempted from filing an affidavit. No retired judge or senior judge of any court of this state shall be required to file an affidavit pursuant to this Code section.

(3) A public officer, as defined in subparagraph (E) of paragraph (22) of Code Section 21-5-3, who serves as a member of the commission shall be subject to the requirements for filing financial disclosure statements set forth in paragraph (1) of this subsection. In

addition, each such public officer shall file with the commission, together with the financial disclosure statement, an affidavit confirming that such public officer took no official action in the previous calendar year that had a material effect on such public officer's private financial or business interests.

(3.1) A public officer and candidates for election as a public officer, as defined in subparagraphs (F) and (G) of paragraph (22) of Code Section 21-5-3, shall make filings of the same kind and in the same manner as provided in paragraph (1) of this subsection for other public officers and candidates for election as a public officer except that filings under this paragraph shall be made with the election superintendent of the county in the case of public officers and candidates for election as a public officer as defined in said subparagraph (F) and shall be made with the municipal clerk in the municipality of election or, if there is no clerk, with the chief executive officer of the municipality in the case of public officers as defined in said subparagraph (G). The election superintendent, municipal clerk, or chief executive officer, as applicable, shall transmit, electronically by eFiling or eFax, a copy of each such report to the commission not later than 30 days after the close of the reporting period. No fine, fee, or sanction, including but not limited to identifying a public officer or candidate for election as a public officer as having filed late or failed to file, shall be imposed by the commission on the public officer or candidate for election as a public officer for the failure of the election superintendent, municipal clerk, or chief executive officer to timely transmit a copy of such report.

(4) Each member of the State Transportation Board shall file a financial disclosure statement for the preceding calendar year no later than the sixtieth day following such member's election to the State Transportation Board. Thereafter, each board member shall file by January 31 of each year a financial disclosure statement for the preceding year. In addition, each board member shall file with the commission, prior to January 31 of each year, an affidavit confirming that such board member took no official action in the previous calendar year that had a material effect on such board member's private financial or business interests.

(5) The commission or the applicable official under paragraph (3.1) of this subsection shall review each financial disclosure statement to determine that such statement is in compliance with the requirements of this chapter.

(6) A public officer shall not, however, be required to file such a financial disclosure statement for the preceding calendar year in an election year if such public officer does not qualify for nomination for election to succeed himself or herself or for election to any other

public office subject to this chapter. For purposes of this paragraph, a public officer shall not be deemed to hold office in a year in which the public officer holds office for fewer than 15 days.

(b) A financial disclosure statement shall be in the form specified by the commission and shall identify:

(1) Each monetary fee or honorarium which is accepted by a filer from speaking engagements, participation in seminars, discussion panels, or other activities which directly relate to the official duties of the filer or the office of the public officer, with a statement identifying the fee or honorarium accepted and the person from whom it was accepted;

(2) All fiduciary positions held by the candidate for public office or the filer, with a statement of the title of each such position, the name and address of the business entity, and the principal activity of the business entity;

(3) The name, address, and principal activity of any business entity or investment, exclusive of the names of individual stocks and bonds in mutual funds, and the office held by and the duties of the candidate for public office or filer within such business entity as of December 31 of the covered year in which such candidate or officer has a direct ownership interest which:

(A) Is more than 5 percent of the total interests in such business;
or

(B) Has a net fair market value of \$5,000.00 or more;

(4)(A) Each tract of real property in which the candidate for public office or filer has a direct ownership interest as of December 31 of the covered year when that interest has a fair market value of \$5,000.00 or more. As used in this paragraph, the term “fair market” value means the appraised value of the property for ad valorem tax purposes. The disclosure shall contain the county and state, general description of the property, and whether the fair market value is between (i) \$5,000.00 and \$100,000.00; (ii) \$100,000.01 and \$200,000.00; or (iii) more than \$200,000.00.

(B) Each tract of real property in which the candidate for public office’s spouse or filer’s spouse has a direct ownership interest as of December 31 of the covered year when that interest has a fair market value of \$5,000.00 or more. The disclosure shall contain the county and state, general description of the property, and whether the fair market value is between (i) \$5,000.00 and \$100,000.00; (ii) \$100,000.01 to \$200,000.00; (iii) or more than \$200,000.00;

(5) The filer’s occupation, employer, and the principal activity and address of such employer;

(6) The filer's spouse's name, occupation, employer, and the principal activity and address of such employer;

(7) If the filer has actual knowledge of such ownership interest, the name of any business or subsidiary thereof or investment, exclusive of the individual stocks, bonds, or mutual funds, as of December 31 of the covered year in which the filer's spouse or dependent children, jointly or severally, own a direct ownership interest which:

(A) Is more than 5 percent of the total interests in such business or investment, exclusive of the individual stocks and bonds in mutual funds; or

(B) Has a net fair market value of more than \$10,000.00

or in which the filer's spouse or any dependent child serves as an officer, director, equitable partner, or trustee; and

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

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

(c)(1) Each person who qualifies with a political party as a candidate for party nomination to a public office elected state wide (including an incumbent public officer elected state wide qualifying to succeed himself or herself) shall file with the commission, not later than seven days after so qualifying, a financial disclosure statement. Each person who qualifies as a candidate for election to a public office elected state wide through a nomination petition or convention shall likewise file a financial disclosure statement not later than seven days after filing his or her notice of candidacy. Such financial disclosure statement shall comply with the requirements of subsections (a) and (b) of this Code section and shall in addition identify, for the preceding five calendar years:

(A) Each transaction or transactions which aggregate \$9,000.00 or more in a calendar year in which the candidate (whether for himself or herself or on behalf of any business) or any business in which such candidate or any member of his or her family has a substantial interest or is an officer of such business has transacted

business with the government of the State of Georgia, the government of any political subdivision of the State of Georgia, or any agency of any such government; and

(B) Each transaction or transactions which aggregate \$9,000.00 or more in a calendar year in which the candidate or any business in which such candidate or any member of his or her family has a substantial interest or is an officer of such business received any income of any nature from any person who was at the time of such receipt of income represented by a lobbyist registered with the commission pursuant to Article 4 of this chapter.

(2) The financial disclosure statement required by paragraph (1) of this subsection shall include an itemized list of the transactions required to be reported, including the date of, dollar amount of, and parties to each such transaction. However, with respect to any transactions of a privileged nature only the total amount of such transactions shall be required to be reported, and names, dates, amounts of individual transactions, and other identifying data may be omitted; and for this purpose “transactions of a privileged nature” shall include transactions between attorney and client, transactions between psychiatrist and patient, transactions between physician and patient, and any other transactions which are by law of a similar privileged and confidential nature.

(3) The financial disclosure statement required by paragraph (1) of this subsection shall be accompanied by a financial statement of the candidate’s financial affairs for the five calendar years prior to the year in which the election is held and the first quarter of the calendar year in which the election is held.

(3.1) The financial disclosure statement required by paragraph (1) of this subsection shall include the source or sources of the candidate’s income for the five calendar years prior to the year in which the election is held and the first quarter of the calendar year in which the election is held.

(4) As used in this subsection, the term:

(A) “Agency” means any agency, authority, department, board, bureau, commission, committee, office, or instrumentality of the State of Georgia or any political subdivision of the State of Georgia.

(B) “Financial statement” means a statement of a candidate’s financial affairs in a form substantially equivalent to the short form financial statement required for bank directors under the rules of the Department of Banking and Finance.

(C) “Person” and “transact business” shall have the meanings specified in Code Section 45-10-20.

(D) “Substantial interest” means the direct or indirect ownership of 10 percent or more of the assets or stock of any business.

(5) Notwithstanding any other provisions of this subsection, if, due to a special election or otherwise, a person does not qualify as a candidate for nomination or election to public office until after the filing date otherwise applicable, such person shall make the filings required by this subsection within seven days after so qualifying.

(d) All state-wide elected officials and members of the General Assembly shall file financial disclosure statements electronically with the commission. Local officials referred to in subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3 may file electronically if such method is made available or may file by certified mail, statutory overnight delivery, or personal delivery.

(e) The filing of any financial disclosure statement required under this article shall constitute an affirmation that the statement is true, complete, and correct.

(f)(1) In addition to other penalties provided in this chapter, a late fee of \$125.00 shall be imposed by the person or entity with which filing is required for each financial disclosure statement that is filed late, and notice of such late fee shall be sent to the board member, candidate, and the candidate’s committee in the same manner by which the penalized report was filed with the commission. However, if the report in question was not filed or was filed with the commission in a manner other than electronic filing or certified mail, return receipt requested, the commission shall use certified mail, return receipt requested, to notify the candidate and the candidate’s committee of the late fee due. The notice shall include the schedule of increasing late fees for late filings and the dates upon which such late fees shall be increased. In addition, a late fee of \$250.00 shall be imposed on the fifteenth day after the due date for such statement if such statement has not been filed. A late fee of \$1,000.00 shall be imposed on the forty-fifth day after the due date for such statement if the statement has not been filed. Campaign committee funds shall not be used to pay such penalty. Notice by electronic means shall not satisfy the requirements of this paragraph; and any increased late fees shall be stayed until at least ten days after proper notice has been given as specified in this paragraph.

(2) The commission shall retain \$25.00 of the first late fee received by the commission for processing pursuant to the provisions of Code Section 45-12-92.1.

(g) Notwithstanding any other provision of this chapter to the contrary, soil and water conservation district supervisors elected pursuant to Article 2 of Chapter 6 of Title 2 shall not be required to file personal financial disclosure statements under this Code section.

History.

Code 1981, § 21-5-50, enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1987, p. 297, §§ 13, 14; Ga. L. 1988, p. 603, § 6; Ga. L. 1989, p. 10, § 1; Ga. L. 1990, p. 922, §§ 7, 8; Ga. L. 1992, p. 56, § 1; Ga. L. 1992, p. 1075, §§ 14, 15; Ga. L. 1993, p. 118, § 1; Ga. L. 1994, p. 258, § 12; Ga. L. 2005, p. 859, § 18/HB 48; Ga. L. 2009, p. 620, § 5/SB 168; Ga. L. 2010, p. 9, § 1-48/HB 1055; Ga. L. 2010, p. 1173, § 16/SB 17; Ga. L. 2011, p. 19, § 6/HB 232; Ga. L.

2013, p. 173, § 6/HB 143; Ga. L. 2013, p. 540, § 4/HB 142; Ga. L. 2016, p. 173, § 8/SB 199; Ga. L. 2020, p. 493, § 21/SB 429; Ga. L. 2022, p. 3, § 12/SB 120; Ga. L. 2023, p. 608, § 6/HB 572, effective July 1, 2023.

Delayed effective date.

Code Section 21-5-50 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

21-5-50. (Effective January 1, 2026.) Filing of financial disclosure statements by public officers, candidates for public office, elected officials, and members of the General Assembly; electronic filing.

(a)(1) Except as modified in subsection (c) of this Code section with respect to candidates for state-wide elected public office:

(A) Each public officer, as defined in subparagraphs (A) through (D) of paragraph (22) of Code Section 21-5-3, and each person who qualifies as a candidate for election to any such public office shall file with the commission no later than April 1 of each year in which such public officer holds office a financial disclosure statement for the preceding calendar year; and

(B) Each person who qualifies in a special election as a candidate for election as a public officer, as defined in subparagraphs (A) through (D) of paragraph (22) of Code Section 21-5-3, shall file with the commission, no later than the fifteenth day following the date of qualifying as a candidate, a financial disclosure statement for the preceding calendar year.

(2) Except as set forth in paragraph (3) of this subsection, a public officer, as defined in subparagraph (E) of paragraph (22) of Code Section 21-5-3, shall not be required to file a financial disclosure statement pursuant to this Code section. Each such public officer shall, however, be deemed to be a public official for purposes of Code Section 45-10-26 and shall be subject to the disclosure requirements set forth in Code Section 45-10-26. In addition, each such public officer shall file with the commission, prior to January 31 each year, an affidavit confirming that such public officer took no official action in the previous calendar year that had a material effect on such public officer's private financial or business interests; provided, however, that, if a public officer as defined in subparagraph (E) of paragraph (22) of Code Section 21-5-3 has previously filed or is subject to filing a financial disclosure statement with the commission pursuant to this paragraph, and such financial disclosure statement

covers the same calendar year as would be covered by the affidavit required by this Code section, the public officer shall be exempted from filing an affidavit. No retired judge or senior judge of any court of this state shall be required to file an affidavit pursuant to this Code section.

(3) A public officer, as defined in subparagraph (E) of paragraph (22) of Code Section 21-5-3, who serves as a member of the commission shall be subject to the requirements for filing financial disclosure statements set forth in paragraph (1) of this subsection. In addition, each such public officer shall file with the commission, together with the financial disclosure statement, an affidavit confirming that such public officer took no official action in the previous calendar year that had a material effect on such public officer's private financial or business interests.

(3.1)(A) Until December 31, 2026, a public officer and candidates for election as a public officer, as defined in subparagraphs (F) and (G) of paragraph (22) of Code Section 21-5-3, shall make filings of the same kind and in the same manner as provided in paragraph (1) of this subsection for other public officers and candidates for election as a public officer except that filings under this paragraph shall be made with the election superintendent of the county in the case of public officers and candidates for election as a public officer as defined in such subparagraph (F) and shall be made with the municipal clerk in the municipality of election or, if there is no clerk, with the chief executive officer of the municipality in the case of public officers as defined in such subparagraph (G). The election superintendent, municipal clerk, or chief executive officer, as applicable, shall transmit, electronically by eFiling or eFax, a copy of each such report to the commission not later than 30 days after the close of the reporting period. No fine, fee, or sanction, including but not limited to identifying a public officer or candidate for election as a public officer as having filed late or failed to file, shall be imposed by the commission on the public officer or candidate for election as a public officer for the failure of the election superintendent, municipal clerk, or chief executive officer, as applicable, to timely transmit a copy of such report.

(B) On and after January 1, 2027, a public officer and candidates for election as a public officer, as defined in subparagraphs (F) and (G) of paragraph (22) of Code Section 21-5-3, shall make filings of the same kind and in the same manner as provided in paragraph (1) of this subsection for other public officers and candidates for election as a public officer; provided, however, that a candidate for election as a public officer as defined in subparagraph (G) of paragraph (22) of Code Section 21-5-3 shall make such filings no later than September 1 instead of April 1.

(3.2)(A) In the case of public officers and candidates for election as a public officer as defined in subparagraph (F) of paragraph (22) of Code Section 21-5-3, when such public officers and candidates are qualifying for election to a county governing authority or to a local board of education, such public officer or candidate shall make an affirmation in such filings acknowledging, in the case of public officers and candidates for a county governing authority, the requirement for such newly elected county officials to receive training pursuant to Code Section 36-20-4, and in the case of public officers and candidates as an elected member of a local board of education, the requirement for such newly elected members receive training pursuant to Code Section 20-2-230.

(B) In the case of public officers and candidates for election as a public officer as defined in subparagraph (G) of paragraph (22) of Code Section 21-5-3, when such public officers and candidates are qualifying for election, such public officer or candidate shall make an affirmation in such filings acknowledging the requirement for newly elected municipal officials to receive training pursuant to Code Section 36-45-4.

(C) The affirmations required by subparagraphs (A) and (B) of this paragraph need not be transmitted to the commission.

(4) Each member of the State Transportation Board shall file a financial disclosure statement for the preceding calendar year no later than the sixtieth day following such member's election to the State Transportation Board. Thereafter, each board member shall file by April 1 of each year a financial disclosure statement for the preceding year. In addition, each board member shall file with the commission, prior to April 1 of each year, an affidavit confirming that such board member took no official action in the previous calendar year that had a material effect on such board member's private financial or business interests.

(5) The commission or the applicable official under paragraph (3.1) of this subsection shall review each financial disclosure statement to determine that such statement is in compliance with the requirements of this chapter.

(6) A public officer shall not, however, be required to file such a financial disclosure statement for the preceding calendar year in an election year if such public officer does not qualify for nomination for election to succeed himself or herself or for election to any other public office subject to this chapter. For purposes of this paragraph, a public officer shall not be deemed to hold office in a year in which the public officer holds office for fewer than 15 days.

(b) A financial disclosure statement shall be in the form specified by the commission and shall identify:

(1) Each monetary fee or honorarium which is accepted by a filer from speaking engagements, participation in seminars, discussion panels, or other activities which directly relate to the official duties of the filer or the office of the public officer, with a statement identifying the fee or honorarium accepted and the person from whom it was accepted;

(2) All fiduciary positions held by the candidate for public office or the filer, with a statement of the title of each such position, the name and address of the business entity, and the principal activity of the business entity;

(3) The name, address, and principal activity of any business entity or investment, exclusive of the names of individual stocks and bonds in mutual funds, and the office held by and the duties of the candidate for public office or filer within such business entity as of December 31 of the covered year in which such candidate or officer has a direct ownership interest which:

(A) Is more than 5 percent of the total interests in such business;
or

(B) Has a net fair market value of \$5,000.00 or more;

(4)(A) Each tract of real property in which the candidate for public office or filer has a direct ownership interest as of December 31 of the covered year when that interest has a fair market value of \$5,000.00 or more. As used in this paragraph, the term "fair market" value means the appraised value of the property for ad valorem tax purposes. The disclosure shall contain the county and state, general description of the property, and whether the fair market value is between (i) \$5,000.00 and \$100,000.00; (ii) \$100,000.01 and \$200,000.00; or (iii) more than \$200,000.00.

(B) Each tract of real property in which the candidate for public office's spouse or filer's spouse has a direct ownership interest as of December 31 of the covered year when that interest has a fair market value of \$5,000.00 or more. The disclosure shall contain the county and state, general description of the property, and whether the fair market value is between (i) \$5,000.00 and \$100,000.00; (ii) \$100,000.01 to \$200,000.00; (iii) or more than \$200,000.00;

(5) The filer's occupation, employer, and the principal activity and address of such employer;

(6) The filer's spouse's name, occupation, employer, and the principal activity and address of such employer;

(7) If the filer has actual knowledge of such ownership interest, the name of any business or subsidiary thereof or investment, exclusive

of the individual stocks, bonds, or mutual funds, as of December 31 of the covered year in which the filer's spouse or dependent children, jointly or severally, own a direct ownership interest which:

(A) Is more than 5 percent of the total interests in such business or investment, exclusive of the individual stocks and bonds in mutual funds; or

(B) Has a net fair market value of more than \$10,000.00

or in which the filer's spouse or any dependent child serves as an officer, director, equitable partner, or trustee; and

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

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

(c)(1) Each person who qualifies with a political party as a candidate for party nomination to a public office elected state wide, including an incumbent public officer elected state wide qualifying to succeed himself or herself, shall file with the commission, not later than April 1 of such election year, a financial disclosure statement. Each person who qualifies as a candidate for election to a public office elected state wide through a nomination petition or convention shall likewise file a financial disclosure statement not later than April 1 of such election year. Such financial disclosure statement shall comply with the requirements of subsections (a) and (b) of this Code section and shall in addition identify, for the preceding five calendar years:

(A) Each transaction or transactions which aggregate \$9,000.00 or more in a calendar year in which the candidate (whether for himself or herself or on behalf of any business) or any business in which such candidate or any member of his or her family has a substantial interest or is an officer of such business has transacted business with the government of the State of Georgia, the government of any political subdivision of the State of Georgia, or any agency of any such government; and

(B) Each transaction or transactions which aggregate \$9,000.00 or more in a calendar year in which the candidate or any business

in which such candidate or any member of his or her family has a substantial interest or is an officer of such business received any income of any nature from any person who was at the time of such receipt of income represented by a lobbyist registered with the commission pursuant to Article 4 of this chapter.

(2) The financial disclosure statement required by paragraph (1) of this subsection shall include an itemized list of the transactions required to be reported, including the date of, dollar amount of, and parties to each such transaction. However, with respect to any transactions of a privileged nature only the total amount of such transactions shall be required to be reported, and names, dates, amounts of individual transactions, and other identifying data may be omitted; and for this purpose “transactions of a privileged nature” shall include transactions between attorney and client, transactions between psychiatrist and patient, transactions between physician and patient, and any other transactions which are by law of a similar privileged and confidential nature.

(3) The financial disclosure statement required by paragraph (1) of this subsection shall be accompanied by a financial statement of the candidate’s financial affairs for the five calendar years prior to the year in which the election is held and the first quarter of the calendar year in which the election is held.

(3.1) The financial disclosure statement required by paragraph (1) of this subsection shall include the source or sources of the candidate’s income for the five calendar years prior to the year in which the election is held.

(4) As used in this subsection, the term:

(A) “Agency” means any agency, authority, department, board, bureau, commission, committee, office, or instrumentality of the State of Georgia or any political subdivision of the State of Georgia.

(B) “Financial statement” means a statement of a candidate’s financial affairs which details the source and type of income with an indication of which of the following categories the amount or value of such item of income is within:

- (i) Not more than \$1,000.00;
- (ii) Greater than \$1,000.00 but not more than \$2,500.00;
- (iii) Greater than \$2,500.00 but not more than \$5,000.00;
- (iv) Greater than \$5,000.00 but not more than \$15,000.00;
- (v) Greater than \$15,000.00 but not more than \$50,000.00;
- (vi) Greater than \$50,000.00 but not more than \$100,000.00;

- (vii) Greater than \$100,000.00 but not more than \$250,000.00;
- (viii) Greater than \$250,000.00 but not more than \$500,000.00;
- (ix) Greater than \$500,000.00 but not more than \$1 million;
- (x) Greater than \$1 million but not more than \$5 million; or
- (xi) Greater than \$5 million.

(C) “Person” and “transact business” shall have the meanings set forth in Code Section 45-10-20.

(D) “Substantial interest” means the direct or indirect ownership of 10 percent or more of the assets or stock of any business.

(5) Notwithstanding any other provisions of this subsection, if, due to a special election or otherwise, a person does not qualify as a candidate for nomination or election to public office until after the filing date otherwise applicable, such person shall make the filings required by this subsection within seven days after so qualifying.

(d) All state-wide elected officials and members of the General Assembly shall file financial disclosure statements electronically with the commission. Local officials referred to in subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3 may file electronically if such method is made available or may file by certified mail, statutory overnight delivery, or personal delivery.

(e) The filing of any financial disclosure statement required under this article shall constitute an affirmation that the statement is true, complete, and correct.

(f)(1) In addition to other penalties provided in this chapter, a late fee of \$125.00 shall be imposed by the person or entity with which filing is required for each financial disclosure statement that is filed late, and notice of such late fee shall be sent to the board member, candidate, and the candidate’s committee in the same manner by which the penalized report was filed with the commission. However, if the report in question was not filed or was filed with the commission in a manner other than electronic filing or certified mail, return receipt requested, the commission shall use certified mail, return receipt requested, to notify the candidate and the candidate’s committee of the late fee due. The notice shall include the schedule of increasing late fees for late filings and the dates upon which such late fees shall be increased. In addition, a late fee of \$250.00 shall be imposed on the fifteenth day after the due date for such statement if such statement has not been filed. A late fee of \$1,000.00 shall be imposed on the forty-fifth day after the due date for such statement if the statement has not been filed. Campaign committee funds shall

not be used to pay such penalty. Notice by electronic means shall not satisfy the requirements of this paragraph; and any increased late fees shall be stayed until at least ten days after proper notice has been given as specified in this paragraph.

(2) The commission shall retain \$25.00 of the first late fee received by the commission for processing pursuant to the provisions of Code Section 45-12-92.1.

(g) Notwithstanding any other provision of this chapter to the contrary, soil and water conservation district supervisors elected pursuant to Article 2 of Chapter 6 of Title 2 shall not be required to file personal financial disclosure statements under this Code section.

History.

Code 1981, § 21-5-50, enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1987, p. 297, §§ 13, 14; Ga. L. 1988, p. 603, § 6; Ga. L. 1989, p. 10, § 1; Ga. L. 1990, p. 922, §§ 7, 8; Ga. L. 1992, p. 56, § 1; Ga. L. 1992, p. 1075, §§ 14, 15; Ga. L. 1993, p. 118, § 1; Ga. L. 1994, p. 258, § 12; Ga. L. 2005, p. 859, § 18/HB 48; Ga. L. 2009, p. 620, § 5/SB 168; Ga. L. 2010, p. 9, § 1-48/HB 1055; Ga. L. 2010, p. 1173, § 16/SB 17; Ga. L. 2011, p. 19, § 6/HB 232; Ga. L. 2013, p. 173, § 6/HB 143; Ga. L. 2013, p. 540, § 4/HB 142; Ga. L. 2016, p. 173, § 8/SB 199; Ga. L. 2020, p. 493, § 21/SB

429; Ga. L. 2022, p. 3, § 12/SB 120; Ga. L. 2023, p. 608, § 6/HB 572, effective July 1, 2023; Ga. L. 2025, p. 749, § 3/SB 199, effective January 1, 2026.

Delayed effective date.

Code Section 21-5-50 is set out twice in this Code. This version is effective January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective January 1, 2026, rewrote subsections (a) and (c).

21-5-51. (Effective until January 1, 2026.) Inspection and copying of financial disclosure statements.

Financial disclosure statements filed pursuant to this article shall be public records and shall be subject to inspection and copying by any member of the public as provided by law for other public records.

History.

Code 1981, § 21-5-51, enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1987, p. 297, § 15; Ga. L. 2009, p. 620, § 6/SB 168; Ga. L. 2010, p. 1173, § 17/SB 17.

Delayed effective date.

Code Section 21-5-51 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

21-5-51. (Effective January 1, 2026.) Inspection and copying of financial disclosure statements; redaction of identifiable home addresses.

(a) Financial disclosure statements filed pursuant to this article shall be public records and shall be subject to inspection and copying by any member of the public as provided by law for other public records.

(b) Notwithstanding subsection (a) of this Code section or any

provision of Chapter 18 of Title 50 to the contrary, the commission shall redact any identifiable home addresses from any records the commission discloses, posts, or releases to the public.

History.

Code 1981, § 21-5-51, enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1987, p. 297, § 15; Ga. L. 2009, p. 620, § 6/SB 168; Ga. L. 2010, p. 1173, § 17/SB 17; Ga. L. 2025, p. 749, § 4/SB 199, effective January 1, 2026.

Delayed effective date.

Code Section 21-5-51 is set out twice in this Code. This version is effective

January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective January 1, 2026, designated the existing provisions of this Code section as subsection (a) and added subsection (b).

ARTICLE 4

PUBLIC OFFICIALS’ CONDUCT AND LOBBYIST DISCLOSURE

21-5-73. (Effective until January 1, 2026.) Disclosure reports.

(a) Each lobbyist registered under this article shall file disclosure reports as provided for in this Code section in the electronic format specified by the commission.

(b) A person who is required to register under this article and lobbies to promote or oppose the passage of any legislation by the General Assembly, or any committee of either chamber or a joint committee thereof, or the approval or veto of legislation by the Governor shall file a semimonthly disclosure report on the first and fifteenth day of each month, current through the end of the preceding report, beginning January 15 and continuing throughout the period that the General Assembly is in session.

(c) A person who is required to register under this article and lobbies to promote or oppose the passage of any ordinance or resolution by a public officer specified under subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3, or any committee of such public officers, or the approval or veto of any such ordinance or resolution shall:

- (1) File a disclosure report, current through the end of the preceding month, on or before the fifth day of May, September, and January of each year instead of the reports required by subsections (b) and (d) of this Code section; and
- (2) File such report with the commission, file a copy of such report with the election superintendent of each county involved if the report contains any lobbying expenditures relating to county or county school district affairs, and file a copy of such report with the municipal clerk (or if there is no municipal clerk, with the chief

executive officer of the municipality) of each municipality involved if the report contains any lobbying expenditures relating to municipal affairs or independent school district affairs.

(d) A person who is required to register under this article and:

(1) Lobbies to promote or oppose the passage of any legislation by the General Assembly, or any committee of either chamber or a joint committee thereof, or the approval or veto of legislation by the Governor;

(2) As an employee of the executive branch or judicial branch of local government, lobbies to promote or oppose the passage of any ordinance or resolution by a public officer specified under subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3, or any committee of such public officers, or the approval or veto of any such ordinance or resolution;

(3) Lobbies to influence a public officer or state agency in the selection of a vendor to supply any goods or services to any state agency; or

(4) Lobbies to promote or oppose any matter before the State Transportation Board

shall file a monthly disclosure report, current through the end of the preceding period, on or before the fifth day of each month; provided, however, that such monthly reports shall not be filed during any period that the lobbyist files a semimonthly report pursuant to subsection (b) of this Code section.

(e) Reports filed by lobbyists shall be verified and shall include:

(1) A description of all lobbying expenditures described in subparagraphs (D), (F), and (G) of paragraph (4.1) of Code Section 21-5-70, or the value thereof made on behalf of or for the benefit of a public officer or on behalf of or for the benefit of a public employee for the purpose of influencing a public officer by the lobbyist or employees of the lobbyist or by any person on whose behalf the lobbyist is registered if the lobbyist has actual knowledge of such lobbying expenditure. The description of each reported lobbying expenditure shall include:

(A) The name and title of the public officer or public employee or, if the lobbying expenditure is simultaneously incurred for an identifiable group of public officers or public employees the individual identification of whom would be impractical, a general description of that identifiable group;

(B) The amount, date, and description of the lobbying expenditure and a summary of all spending classified by category. Such categories shall include meals, lodging, travel, and tickets;

(C) The aggregate lobbying expenditures described in subparagraph (D) of paragraph (4.1) of Code Section 21-5-70 incurred during the reporting period; provided, however, that expenses for travel and for food, beverage, and lodging in connection therewith afforded a public officer or public employee shall be reported in the same manner as under subparagraphs (A), (B), and (D) of this paragraph;

(D) If applicable, the number of the bill, resolution, ordinance, or regulation pending before the governmental entity in support of or opposition to which the lobbying expenditure was made; and

(E) If applicable, the rule or regulation number or description of the rule or regulation pending before the state agency in support of or opposition to which the lobbying expenditure was made;

(1.1) In any case where lobbying expenditures are reported pursuant to subparagraph (A) of paragraph (1) of this subsection for an identifiable group not listed in subparagraph (D) of paragraph (4.1) of Code Section 21-5-70, the lobbyist shall certify on the disclosure report that no lobbying expenditure made on behalf of or for the benefit of any individual public officer exceeded \$75.00;

(2) For those who are required to register under this article and lobby to influence a public officer or state agency in the selection of a vendor to supply any goods or services to any state agency, the name of any vendor or vendors for which the lobbyist undertook to influence the awarding of a contract or contracts by any state agency together with a description of the contract or contracts and the monetary amount of the contract or contracts; and

(3) For those who are required to register under this article and lobby to promote or oppose the passage of any rule or regulation of any state agency, the name of the individual or entity for which the lobbyist undertook to influence the rule or regulation of a state agency.

(f) The reports required by this article shall be in addition to any reports required under Code Section 45-1-6, relating to required reports by state vendors of gifts to public employees. Compliance with this Code section shall not excuse noncompliance with that Code section, and compliance with that Code section shall not excuse noncompliance with this Code section, notwithstanding the fact that in some cases the same information may be required to be disclosed under both Code sections.

(g) The electronic filing of any disclosure report required by this article shall constitute an affirmation that such report is true, complete, and correct.

(h) Reserved.

(i) All lobbyists shall have a grace period of three business days in filing all disclosure reports.

History.

Code 1981, § 21-5-73, enacted by Ga. L. 1992, p. 1075, § 16; Ga. L. 1994, p. 258, §§ 15, 16; Ga. L. 2005, p. 859, § 22/HB 48; Ga. L. 2010, p. 1173, § 22/SB 17; Ga. L. 2011, p. 19, § 9/HB 232; Ga. L. 2011, p. 569, § 4/SB 160; Ga. L. 2013, p. 540,

§ 7/HB 142; Ga. L. 2019, p. 1056, § 21/SB 52.

Delayed effective date.

Code Section 21-5-73 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

21-5-73. (Effective January 1, 2026.) Disclosure reports.

(a) Each lobbyist registered under this article shall file disclosure reports as provided for in this Code section in the electronic format specified by the commission.

(b) A person who is required to register under this article and:

(1) Lobbies to promote or oppose the passage of any legislation by the General Assembly, or any committee of either chamber or a joint committee thereof, or the approval or veto of legislation by the Governor;

(2) Lobbies to promote or oppose the passage of any ordinance or resolution by a public officer specified under subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3, or any committee of such public officers, or the approval or veto of any such ordinance or resolution;

(3) Lobbies to promote or oppose the passage of any legislation by the General Assembly, or any committee of either chamber or a joint committee thereof, or the approval or veto of legislation by the Governor;

(4) As an employee of the executive branch or judicial branch of local government, lobbies to promote or oppose the passage of any ordinance or resolution by a public officer specified under subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3, or any committee of such public officers, or the approval or veto of any such ordinance or resolution;

(5) Lobbies to influence a public officer or state agency in the selection of a vendor to supply any goods or services to any state agency; or

(6) Lobbies to promote or oppose any matter before the State Transportation Board

shall file a monthly disclosure report, current through the end of the preceding period, on or before the fifth day of each month.

(c) In addition to the requirements of subsection (b) of this Code section, a person who is required to register under this article and lobbies to promote or oppose the passage of any ordinance or resolution by a public officer specified under subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3, or any committee of such public officers, or the approval or veto of any such ordinance or resolution shall file a disclosure report on or before the fifth day of each month, provided that all persons or entities required to file such reports shall have a five-day grace period in filing the required reports.

(d) Reserved.

(e) Reports filed by lobbyists shall be verified and shall include:

(1) A description of all lobbying expenditures described in subparagraphs (D), (F), and (G) of paragraph (4.1) of Code Section 21-5-70, or the value thereof made on behalf of or for the benefit of a public officer or on behalf of or for the benefit of a public employee for the purpose of influencing a public officer by the lobbyist or employees of the lobbyist or by any person on whose behalf the lobbyist is registered if the lobbyist has actual knowledge of such lobbying expenditure. The description of each reported lobbying expenditure shall include:

(A) The name and title of the public officer or public employee or, if the lobbying expenditure is simultaneously incurred for an identifiable group of public officers or public employees the individual identification of whom would be impractical, a general description of that identifiable group;

(B) The amount, date, and description of the lobbying expenditure and a summary of all spending classified by category. Such categories shall include meals, lodging, travel, and tickets;

(C) The aggregate lobbying expenditures described in subparagraph (D) of paragraph (4.1) of Code Section 21-5-70 incurred during the reporting period; provided, however, that expenses for travel and for food, beverage, and lodging in connection therewith afforded a public officer or public employee shall be reported in the same manner as under subparagraphs (A), (B), and (D) of this paragraph;

(D) If applicable, the number of the bill, resolution, ordinance, or regulation pending before the governmental entity in support of or opposition to which the lobbying expenditure was made; and

(E) If applicable, the rule or regulation number or description of the rule or regulation pending before the state agency in support of or opposition to which the lobbying expenditure was made;

(1.1) In any case where lobbying expenditures are reported pursuant to subparagraph (A) of paragraph (1) of this subsection for an

identifiable group not listed in subparagraph (D) of paragraph (4.1) of Code Section 21-5-70, the lobbyist shall certify on the disclosure report that no lobbying expenditure made on behalf of or for the benefit of any individual public officer exceeded \$75.00;

(2) For those who are required to register under this article and lobby to influence a public officer or state agency in the selection of a vendor to supply any goods or services to any state agency, the name of any vendor or vendors for which the lobbyist undertook to influence the awarding of a contract or contracts by any state agency together with a description of the contract or contracts and the monetary amount of the contract or contracts; and

(3) For those who are required to register under this article and lobby to promote or oppose the passage of any rule or regulation of any state agency, the name of the individual or entity for which the lobbyist undertook to influence the rule or regulation of a state agency.

(f) The reports required by this article shall be in addition to any reports required under Code Section 45-1-6, relating to required reports by state vendors of gifts to public employees. Compliance with this Code section shall not excuse noncompliance with that Code section, and compliance with that Code section shall not excuse noncompliance with this Code section, notwithstanding the fact that in some cases the same information may be required to be disclosed under both Code sections.

(g) The electronic filing of any disclosure report required by this article shall constitute an affirmation that such report is true, complete, and correct.

(h) Reserved.

(i) All lobbyists shall have a grace period of three business days in filing all disclosure reports.

History.

Code 1981, § 21-5-73, enacted by Ga. L. 1992, p. 1075, § 16; Ga. L. 1994, p. 258, §§ 15, 16; Ga. L. 2005, p. 859, § 22/HB 48; Ga. L. 2010, p. 1173, § 22/SB 17; Ga. L. 2011, p. 19, § 9/HB 232; Ga. L. 2011, p. 569, § 4/SB 160; Ga. L. 2013, p. 540, § 7/HB 142; Ga. L. 2019, p. 1056, § 21/SB 52; Ga. L. 2025, p. 749, § 5/SB 199, effective January 1, 2026.

Delayed effective date.

Code Section 21-5-73 is set out twice in this Code. This version is effective

January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The 2025 amendment, effective January 1, 2026, rewrote subsections (b) and (c) and substituted “Reserved.” for the former provisions of subsection (d).

