

House Bill 25EX2 (AS PASSED HOUSE AND SENATE)

By: Representatives Smyre of the 136th, Walker of the 141st, Coleman of the 142nd, Skipper of the 137th and Stanley of the 50th

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, so as to provide for different qualifying and election dates, write-in candidacy dates, and related procedures for the general primary and general election in the even-numbered year immediately following the official release of the United States decennial census data to the states for the purpose of redistricting of the legislatures and the United States House of Representatives; to provide for time for holding of political body conventions in the even-numbered year immediately following the official release of the United States decennial census data to the states for the purpose of redistricting of the legislatures and the United States House of Representatives; to provide for qualifying by political party candidates for nomination to federal and state offices under rules and regulations promulgated by the Secretary of State; to provide that in any general primary where an unopposed candidate is seeking party nomination for a public office, where such candidate's name appears on the primary ballot but such candidate fails to receive a single vote, such candidate shall not be nominated for such public office and such party shall not have a candidate for that public office on the ballot in the ensuing general election; to change certain provisions relating to procedures as to unopposed candidates; to provide definitions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, is amended by striking paragraph (10) of Code Section 21-2-2, relating to definitions, and inserting in lieu thereof a new paragraph (10) to read as follows:

"(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."

SECTION 2.

Said chapter is further amended by striking Code Section 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit, in its entirety and inserting in lieu thereof a new Code Section 21-2-132 to read as follows:

"21-2-132.

(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) Except as provided in subsection (i) of this Code section, all ~~All~~ candidates seeking ~~nomination~~ 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 fourth Monday in April immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in April, notwithstanding the fact that any such days may be legal holidays; and

(2) Each candidate for a county judicial office, a local school board office, or an office of a consolidated government, except those offices which on July 1, 2001, were covered by local Acts of the General Assembly which provided for election in a nonpartisan election without a prior nonpartisan primary, 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 fourth Monday in April immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in April, notwithstanding the fact that any such days may be legal holidays.

(d) Except as provided in subsection (i) of this Code section, all political body and independent ~~All other~~ candidates shall file their notice of candidacy and pay the prescribed

1 qualifying fee by the date prescribed in this subsection in order to be eligible to have their
2 names placed on the election ballot by the Secretary of State or election superintendent, as
3 the case may be, in the following manner:

4 (1) Each candidate for federal or state office, or his or her agent, desiring to have his or
5 her name placed on the election ballot shall file a notice of his or her candidacy, giving
6 his or her name, residence address, and the office he or she is seeking, in the office of the
7 Secretary of State no earlier than 9:00 A.M. on the fourth Monday in June immediately
8 prior to the election and no later than 12:00 Noon on the Friday following the fourth
9 Monday in June in the case of a general election and no earlier than the date of the call
10 of the election and no later than 25 days prior to the election in the case of a special
11 election;

12 (2) Each candidate for a county office, including those offices which on July 1, 2001,
13 were covered by local Acts of the General Assembly which provided for election in a
14 nonpartisan election without a prior nonpartisan primary, or his or her agent, desiring to
15 have his or her name placed on the election ballot shall file notice of his or her candidacy
16 in the office of the superintendent of his or her county no earlier than 9:00 A.M. on the
17 fourth Monday in June immediately prior to the election and no later than 12:00 Noon on
18 the Friday following the fourth Monday in June in the case of a general election and no
19 earlier than the date of the call of the election and no later than 25 days prior to the
20 election in the case of a special election;

21 (3) Each candidate for municipal office or a designee shall file a notice of candidacy in
22 the office of the municipal superintendent of such candidate's municipality during the
23 municipality's qualifying period. Each municipal superintendent shall designate the days
24 of the qualifying period, which shall be no less than three days and no more than five
25 days. The days of the qualifying period shall be consecutive days. Qualifying periods
26 shall comply with the following:

27 (A) In the case of a general election held in an odd-numbered year, the municipal
28 qualifying period shall commence no earlier than 8:30 A.M. on the second Monday in
29 September immediately preceding the general election and shall end no later than
30 4:30 P.M. on the following Friday;

31 (B) In the case of a general election held in an even-numbered year, the municipal
32 qualifying period shall commence no earlier than 8:30 A.M. on the last Monday in
33 August immediately preceding the general election and shall end no later than
34 4:30 P.M. on the following Friday; and

35 (C) In the case of a special election, the municipal qualifying period shall commence
36 no earlier than the date of the call and shall end no later than 25 days prior to the
37 election.

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

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

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

17 (2) Seeking office in a special election;

18 (3) An incumbent qualifying as a candidate to succeed such incumbent if, prior to the
19 election in which such incumbent was originally elected to the office for which such
20 incumbent seeks reelection, such incumbent filed a notice of candidacy and a nomination
21 petition as required by this chapter;

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

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

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

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

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

31 (3) The name of his or her precinct;

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

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

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

36 (7) That the candidate has never been convicted and sentenced in any court of competent
37 jurisdiction for fraudulent violation of primary or election laws, malfeasance in office,

1 or felony involving moral turpitude or conviction of domestic violence under the laws of
2 this state or any other state or of the United States, or that the candidate's civil rights have
3 been restored and that at least ten years have elapsed from the date of the completion of
4 the sentence without a subsequent conviction of another felony involving moral turpitude;
5 and

6 (8) That he or she will not knowingly violate this chapter or rules and regulations
7 adopted under this chapter.

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

10 (g) A pauper's affidavit may be filed in lieu of paying the qualifying fee otherwise
11 required by this Code section and Code Sections 21-2-131 and 21-2-138 of any candidate
12 who has filed a qualifying petition as provided for in subsection (h) of this Code section.
13 A candidate filing a pauper's affidavit instead of paying a qualifying fee shall under oath
14 affirm his or her poverty and his or her resulting inability to pay the qualifying fee
15 otherwise required. The form of the affidavit shall be prescribed by the Secretary of State
16 and shall include a financial statement which lists the total income, assets, liabilities, and
17 other relevant financial information of the candidate and shall indicate on its face that the
18 candidate has neither the assets nor the income to pay the qualifying fee otherwise required.
19 The affidavit shall contain an oath that such candidate has neither the assets nor the income
20 to pay the qualifying fee otherwise required. The following warning shall be printed on the
21 affidavit form prepared by the Secretary of State, to wit: 'WARNING: Any person
22 knowingly making any false statement on this affidavit commits the offense of false
23 swearing and shall be guilty of a felony.' The name of any candidate who subscribes and
24 swears to an oath that such candidate has neither the assets nor the income to pay the
25 qualifying fee otherwise required shall be placed on the ballot by the Secretary of State or
26 election superintendent, as the case may be.

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

31 (1) A qualifying petition of a candidate seeking an office which is voted upon state wide
32 shall be signed by a number of voters equal to one-fourth of 1 percent of the total number
33 of registered voters eligible to vote in the last election for the filling of the office the
34 candidate is seeking and the signers of such petition shall be registered and eligible to
35 vote in the election at which such candidate seeks to be elected. A qualifying petition of
36 a candidate for any other office shall be signed by a number of voters equal to 1 percent
37 of the total number of registered voters eligible to vote in the last election for the filling

1 of the office the candidate is seeking and the signers of such petition shall be registered
2 and eligible to vote in the election at which such candidate seeks to be elected. However,
3 in the case of a candidate seeking an office for which there has never been an election or
4 seeking an office in a newly constituted constituency, the percentage figure shall be
5 computed on the total number of registered voters in the constituency who would have
6 been qualified to vote for such office had the election been held at the last general
7 election and the signers of such petition shall be registered and eligible to vote in the
8 election at which such candidate seeks to be elected;

9 (2) Each person signing a qualifying petition shall declare therein that he or she is a duly
10 qualified and registered elector of the state entitled to vote in the next election for the
11 filling of the office sought by the candidate supported by the petition and shall add to his
12 or her signature his or her residence address, giving municipality, if any, and county, with
13 street and number, if any. No person shall sign the same petition more than once. Each
14 petition shall support the candidacy of only a single candidate. A signature shall be
15 stricken from the petition when the signer so requests prior to the presentation of the
16 petition to the appropriate officer for filing, but such a request shall be disregarded if
17 made after such presentation;

18 (3) A qualifying petition shall be on one or more sheets of uniform size and different
19 sheets must be used by signers resident in different counties. The upper portion of each
20 sheet, prior to being signed by any petitioner, shall bear the name and title of the officer
21 with whom the petition will be filed, the name of the candidate to be supported by the
22 petition, his or her profession, business, or occupation, if any, his or her place of
23 residence with street and number, if any, the name of the office he or she is seeking, his
24 or her political party or body affiliation, if any, and the name and date of the election in
25 which the candidate is seeking election. If more than one sheet is used, they shall be
26 bound together when offered for filing if they are intended to constitute one qualifying
27 petition, and each sheet shall be numbered consecutively, beginning with number one,
28 at the foot of each page. Each sheet shall bear on the bottom or back thereof the affidavit
29 of the circulator of such sheet, which affidavit must be subscribed and sworn to by such
30 circulator before a notary public and shall set forth:

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

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

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

36 (D) That, to the best of the affiant's knowledge and belief, the signers are registered
37 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;

(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) Notwithstanding any other provision of this chapter to the contrary, for general elections held in the even-numbered year immediately following the official release of the United States decennial census data to the states for the purpose of redistricting of the legislatures and the United States House of Representatives, candidates in such elections shall qualify as provided in this subsection:

(1) 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 paragraph 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:

(A) 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 third Wednesday in June immediately prior to the election and no later than 12:00 Noon on the Friday following the third Wednesday in June, notwithstanding the fact that any such days may be legal holidays; and

(B) Each candidate for a county judicial office, a local school board office, or an office of a consolidated government, except those offices which on July 1, 2001, were covered by local Acts of the General Assembly which provided for election in a nonpartisan election without a prior nonpartisan primary, 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 third Wednesday in June immediately prior to the election and no later than 12:00 Noon on the Friday

1 following the third Wednesday in June, notwithstanding the fact that any such days may
2 be legal holidays;

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

7 (A) Each candidate for federal or state office, or his or her agent, desiring to have his
8 or her name placed on the general election ballot shall file a notice of his or her
9 candidacy, giving his or her name, residence address, and the office he or she is
10 seeking, in the office of the Secretary of State no earlier than 9:00 A.M. on the last
11 Monday in July immediately prior to the election and no later than 12:00 Noon on the
12 Friday following the last Monday in July; and

13 (B) Each candidate for a county office, including those offices which on July 1, 2001,
14 were covered by local Acts of the General Assembly which provided for election in a
15 nonpartisan election without a prior nonpartisan primary, or his or her agent, desiring
16 to have his or her name placed on the general election ballot shall file notice of his or
17 her candidacy in the office of the superintendent of his or her county no earlier than
18 9:00 A.M. on the last Monday in July immediately prior to the election and no later
19 than 12:00 Noon on the Friday following the last Monday in July;

20 (3) Candidates required to file nomination petitions under subsection (e) of this Code
21 section shall file such petitions not earlier than 9:00 A.M. on the fourth Monday in July
22 immediately prior to the general election and not later than 12:00 Noon on the first
23 Monday in August immediately prior to the general election."

24 **SECTION 3.**

25 Said chapter is further amended by striking subsection (a) of Code Section 21-2-133, relating
26 to giving notice of write-in candidacy, and inserting in lieu thereof a new subsection (a) to
27 read as follows:

28 "(a) No person elected on a write-in vote shall be eligible to hold office unless notice of
29 his or her intention of candidacy was filed and published no earlier than January 1 and no
30 later than the Tuesday after the first Monday in September prior to the election for county,
31 state, and federal elections; ~~and~~ no later than seven days after the close of the municipal
32 qualifying period for municipal elections in the case of a general election; ~~no~~ earlier than
33 January 1 and no later than the Tuesday after the first Monday in June in the case of a
34 nonpartisan election for a state or county office which was not covered by a local Act of
35 the General Assembly on July 1, 2001, which provided for election in a nonpartisan
36 election without a prior nonpartisan primary; no later than the third Monday in July in the

1 case of a nonpartisan election for a state or county office which was not covered by a local
2 Act of the General Assembly on July 1, 2001, which provided for election in a nonpartisan
3 election without a prior nonpartisan primary held in the even-numbered year immediately
4 following the official release of the United States decennial census data to the states for the
5 purpose of redistricting of the legislatures and the United States House of Representatives;
6 or at least 20 or more days prior to a special election by the person to be a write-in
7 candidate or by some other person or group of persons qualified to vote in the subject
8 election, as follows:

9 (1) In a state general or special election, notice shall be filed with the Secretary of State
10 and published in a paper of general circulation in the state;

11 (2) In a general or special election of county officers, notice shall be filed with the
12 superintendent of elections in the county in which he or she is to be a candidate and
13 published in the official organ of the same county; or

14 (3) In a municipal general or special election, notice shall be filed with the
15 superintendent and published in the official gazette of the municipality holding the
16 election."

17 **SECTION 4.**

18 Said chapter is further amended by adding at the end of Part 2 of Article 4, relating to
19 political party and nonpartisan primaries, a new Code Section 21-2-158 to read as follows:
20 "21-2-158.

21 In any general primary where an unopposed candidate is seeking party nomination for a
22 public office, where such candidate's name appears on the primary ballot but such
23 candidate fails to receive a single vote, such candidate shall not be nominated for such
24 public office and such party shall not have a candidate for that public office on the ballot
25 in the ensuing general election."

26 **SECTION 5.**

27 Said chapter is further amended by striking in its entirety Code Section 21-2-291, relating
28 to procedure as to unopposed candidates, and inserting in lieu thereof a new Code Section
29 21-2-291 to read as follows:

30 "21-2-291.

31 Any other provision of law to the contrary notwithstanding, in the event there is no
32 opposed candidate in a precinct in a special or general election, no special or general
33 election shall be held in such precinct unless more than one write-in candidate has qualified
34 as provided by law or unless there are issues to be submitted to the electorate. ~~Each~~ Except
35 as provided in Code Section 21-2-158, each such unopposed candidate shall be deemed to

1 have voted for himself or herself. Where feasible, the superintendent shall provide notice
2 reasonably calculated to inform the affected electorate that no special or general election
3 is to be conducted. The superintendent shall certify such unopposed candidate as elected
4 in the same manner as he or she certifies other candidates as elected pursuant to Code
5 Section 21-2-493."

6 SECTION 6.

7 Said chapter is further amended by striking subsection (b) of Code Section 21-2-150, relating
8 to date of the general primary, and inserting in lieu thereof a new subsection (b) to read as
9 follows:

10 "(b)(1) Whenever the primary occurs during the same week of the national convention
11 of either the political party whose candidates received the highest number of votes or the
12 political party whose candidates received the next highest number of votes in the last
13 presidential election, the general primary shall be conducted on the second Tuesday in
14 July of such year. This ~~subsection~~ paragraph shall not apply unless the date of the
15 convention of the political party is announced by the political party prior to April 1 of the
16 year in which the general primary is conducted.

17 (2) For general primaries held in the even-numbered year immediately following the
18 official release of the United States decennial census data to the states for the purpose of
19 redistricting of the legislatures and the United States House of Representatives, the
20 general primary shall be conducted on the next-to-last Tuesday in August."

21 SECTION 7.

22 Said chapter is further amended by striking subsections (c) and (f) of Code Section 21-2-153,
23 relating to qualification of candidates for party nomination in a state or county primary, and
24 inserting in lieu thereof new subsections (c) and (f) to read as follows:

25 "(c)(1) In the case of a general state or county primary, the candidates or their agents
26 shall commence qualifying at 9:00 A.M. on the fourth Monday in April immediately prior
27 to the state or county primary and shall cease qualifying at 12:00 Noon on the Friday
28 following the fourth Monday in April, notwithstanding the fact that any such days may
29 be legal holidays; provided, however, that, in the case of a general primary held in the
30 even-numbered year immediately following the official release of the United States
31 decennial census data to the states for the purpose of redistricting of the legislatures and
32 the United States House of Representatives, the candidates or their agents for political
33 party nomination to county offices shall commence qualifying at 9:00 A.M. on the third
34 Wednesday in June immediately prior to such primary and shall cease qualifying at 12:00
35 Noon on the Friday following the third Wednesday in June, notwithstanding the fact that

1 any such days may be legal holidays, and provided, further, that candidates for political
2 party nomination to federal and state offices in a general primary shall commence
3 qualifying at 9:00 A.M. on the third Wednesday in June immediately prior to such
4 primary and shall cease qualifying at 12:00 Noon on the Friday following the third
5 Wednesday in June, notwithstanding the fact that any such days may be legal holidays,
6 and shall qualify in person or, in the case of illness or other providential cause as may be
7 defined and determined by rule or regulation by the Secretary of State, by their agents
8 with their respective political party in the state capitol under such rules and regulations
9 as the Secretary of State may promulgate and provided, further, that all qualifying for
10 federal and state offices on the last day of the qualifying period shall be conducted in the
11 chamber of the House of Representatives in the state capitol. In the case of a special
12 primary, the candidate shall qualify no earlier than the date of the call for the special
13 primary and no later than 25 days prior to the date of such primary, and such qualifying
14 period shall be open for a minimum of two and one-half days.

15 (2) If a political party has not designated at least 14 days prior to the beginning of
16 qualifying a party official in a county with whom the candidates of such party for county
17 elective offices shall qualify, the election superintendent of the county shall qualify
18 candidates on behalf of such party. The election superintendent shall give notice in the
19 legal organ of the county at least three days before the beginning of qualifying giving the
20 dates, times, and location for qualifying candidates on behalf of such political party."

21 "(f) Candidates for the office of presidential elector or their agents who have been
22 nominated in accordance with the rules of a political party shall qualify beginning at
23 9:00 A.M. on the fourth Monday in April in the year in which a presidential election shall
24 be held and shall cease qualifying at 12:00 Noon on the Friday following the fourth
25 Monday in April, notwithstanding the fact that any such days may be legal holidays;
26 provided, however, that, for presidential elections held in the even-numbered year
27 immediately following the official release of the United States decennial census data to the
28 states for the purpose of redistricting of the legislatures and the United States House of
29 Representatives, candidates for the office of presidential elector who have been nominated
30 in accordance with the rules of a political party shall commence qualifying beginning at
31 9:00 A.M. on the third Wednesday in June immediately prior to such election and shall
32 cease qualifying at 12:00 Noon on the Friday following the third Wednesday in June,
33 notwithstanding the fact that any such days may be legal holidays, and shall qualify in
34 person or, in the case of illness or other providential cause as may be defined and
35 determined by rule or regulation by the Secretary of State, by their agents with their
36 respective political party in the state capitol under such rules and regulations as the
37 Secretary of State may promulgate."

SECTION 8.

Said chapter is further amended by striking subsection (e) of Code Section 21-2-172, relating to nomination of presidential electors and candidates of political bodies by convention, and inserting in lieu thereof a new subsection (e) to read as follows:

"(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; provided, however, that, in the case of a general election held in the even-numbered year immediately following the official release of the United States decennial census data to the states for the purpose of redistricting of the legislatures and the United States House of Representatives, the convention shall be held at least 120 days prior to the date on which the general election is conducted."

SECTION 9.

Said chapter is further amended by striking Code Section 21-2-187, relating to holding of conventions, in its entirety and inserting in lieu thereof a new Code Section 21-2-187 to read as follows:

"21-2-187.

Political bodies shall hold their conventions in accordance with Code Section 21-2-172 and candidates nominated for state-wide public office in convention shall file a notice of candidacy 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 Friday following the fourth Monday in June as prescribed in Code Section 21-2-132; provided, however, that the political body must file its qualifying petition no later than 12:00 Noon on the second Tuesday in July following the convention as prescribed in Code Section 21-2-172 in order to qualify its candidates to be listed on the general election ballot; provided, further, that, for general elections held in the even-numbered year immediately following the official release of the United States decennial census data to the states for the purpose of redistricting of the legislatures and the United States House of Representatives, candidates nominated for state-wide public office shall file a notice of candidacy no earlier than 9:00 A.M. on the last Monday in July immediately prior to the election and no later than 12:00 Noon on the Friday following the last Monday in July as prescribed in Code Section 21-2-132; provided, further, that the political body must file its qualifying petition no later than 12:00 Noon on the first Monday in August following the convention as prescribed in Code Section 21-2-172 in order to qualify its candidates to be listed on the general election ballot."

SECTION 10.

Said chapter is further amended by striking paragraph (3) of subsection (c) of Code Section 21-2-435, relating to procedure as to marking and depositing of ballots, and inserting in lieu thereof a new paragraph (3) to read as follows:

~~“(3) If he or she desires to vote for every candidate of a political party or body (except its candidates for the offices of presidential electors), he or she may make a cross (X) or check (✓) mark in the square opposite the name of the party or body of his or her choice in the party or body column on the left of the ballot, and every such cross (X) or check (✓) mark shall be equivalent to and be counted as a vote for every candidate of a party or body so marked, except its candidates for the offices of presidential electors~~
Reserved;”.

SECTION 11.

Said chapter is further amended by striking subsection (a) of Code Section 21-2-437, relating to procedure as to count and return of votes generally, and inserting in lieu thereof a new subsection (a) to read as follows:

“(a) After the polls close at 7:00 P.M. and as soon as all the ballots have been properly accounted for and those outside the ballot box as well as the voter’s certificates, numbered list of voters, and electors list have been sealed, the poll officers shall open the ballot box and take therefrom all ballots contained therein. In primaries in which more than one ballot box is used, any ballots or stubs belonging to another party holding its primary in the same polling place shall be returned to the ballot box for the party for which they were issued. In primaries, separate tally and return sheets shall be prepared for each party, and separate poll officers shall be designated by the chief manager to count and tally each party’s ballot. Where the same ballot box is being used by one or more parties, the ballots and stubs shall first be divided by party before being tallied and counted. The ballots shall then be counted one by one and a record made of the total number. Then the chief manager, together with such assistant managers and other poll officers as the chief manager may designate, under the scrutiny of one of the assistant managers and in the presence of the other poll officers, shall read aloud the names of the candidates marked or written upon each ballot, together with the office for which the person named is a candidate, and the answers contained on the ballots to the questions submitted, if any; and the other assistant manager and clerks shall carefully enter each vote as read and keep account of the same in ink on a sufficient number of tally papers, all of which shall be made at the same time. All ballots, after being removed from the box, shall be kept within the unobstructed view of all persons in the voting room until replaced in the box. No person, while handling the ballots, shall have in his or her hand any pencil, pen, stamp, or other means of marking or spoiling any ballot. The poll officers shall immediately proceed to canvass and compute the votes cast and shall

1 not adjourn or postpone the canvass or computation until it shall have been fully
2 completed, except that, in the discretion of the superintendent, the poll officers may stop
3 the counting after all contested races and questions are counted, provided that the results
4 of these contested races and questions are posted for the information of the public outside
5 the polling place and the ballots are returned to the ballot box and deposited with the
6 superintendent until counting is resumed on the following day."

7 **SECTION 12.**

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

10 **SECTION 13.**

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