

The House Committee on Governmental Affairs offers the following substitute to SB 175:

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to  
2 elections and primaries generally, so as to provide that the State Election Board shall be  
3 administratively attached to the State Accounting Office; to provide for definitions; to revise  
4 procedures for the removal of members of the State Election Board who were elected by a  
5 house of the General Assembly; to limit the effective date of rules or regulations adopted by  
6 the State Election Board prior to a general primary, general election, or runoff thereof; to  
7 authorize counties to make the list of electors open for inspection at no cost; to remove  
8 authorization for the Secretary of State to become a member of a nongovernmental entity  
9 whose purpose is to share and exchange information in order to improve the accuracy and  
10 efficiency of voter registration systems; to provide for certain exceptions; to maintain an  
11 exemption to the disclosure of certain documents; to prohibit the Secretary of State, other  
12 state level actors, and local boards of registrars and election superintendents from  
13 participating in certain multistate voter list maintenance organizations; to require the  
14 termination of participation in any prohibited multistate voter list maintenance organizations;  
15 to authorize the Secretary of State to enter into voter list maintenance joint compacts with  
16 other states; to authorize the sharing of driver's license and identification card information;  
17 to provide conditions for entering such compacts; to require the State Election Board to  
18 submit to the General Assembly a report; to make conforming changes; to prohibit the

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19 acceptance of hand delivered absentee ballots between the end of the period of advance  
20 voting and the opening of the polls on the day of the primary, election, or runoff; to allow  
21 municipalities to opt out of providing advance voting on certain Saturdays for certain  
22 municipal elections; to revise provisions related to the timelines for calling special elections  
23 and the dates on which special elections can be held; to amend an Act to amend Chapter 2  
24 of Title 21 of the Official Code of Georgia Annotated, related to elections and primaries  
25 generally, adopted on May 6, 2024 (Ga. L. 2024, p. 1028), so as to revise the effective date  
26 of a provision related to tabulation of certain ballots so as to provide for contingent  
27 effectiveness upon appropriation of funds instead of effectiveness on a date certain; to  
28 provide for related matters; to provide for effective dates; to repeal conflicting laws; and for  
29 other purposes.

30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

31 **SECTION 1.**

32 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
33 primaries generally, is amended in Code Section 21-2-2, relating to definitions, by adding  
34 new paragraphs to read as follows:

35 "(11.1) 'Multistate voter list maintenance organization' means any entity, organization,  
36 consortium, or cooperative agreement among states or jurisdictions that involves the  
37 sharing of voter registration data for the purpose of voter list maintenance."

38 "(39.1) 'Voter list maintenance' means the process of ensuring the accuracy and currency  
39 of voter registration lists, including, but not limited to, removing ineligible voters and  
40 updating records."

41 **SECTION 2.**

42 Said chapter is further amended in Code Section 21-2-30, relating to creation, membership,  
43 terms of service, vacancies, quorum, bylaws, meetings, and executive director of the State  
44 Election Board, by revising subsections (b) and (g) as follows:

45 "(b) A member elected by a house of the General Assembly shall take office on the day  
46 following the adjournment of the regular session in which elected and shall serve for a term  
47 of two years and until his or her successor is elected and qualified, unless sooner removed.  
48 An elected member of the board may be removed at any time the General Assembly is in  
49 session by a majority vote of the house which elected him or her, or at any time when the  
50 General Assembly is not in session by the President of the Senate if such member was  
51 elected by the Senate or by the Speaker of the House of Representatives if such member  
52 was elected by the House of Representatives. In the event a vacancy should occur in the  
53 office of such a member of the board at a time when the General Assembly is not in  
54 session, then the President of the Senate shall thereupon appoint an elector to fill the  
55 vacancy if the prior incumbent of such office was elected by the Senate or appointed by the  
56 President of the Senate; and the Speaker of the House of Representatives shall thereupon  
57 appoint an elector to fill the vacancy if the prior incumbent of such office was elected by  
58 the House of Representatives or appointed by the Speaker of the House of Representatives.  
59 A member appointed to fill a vacancy may be removed ~~at any time by a majority vote of~~  
60 ~~the house whose presiding officer appointed him or her~~ in the same manner as a member  
61 elected by a house of the General Assembly."

62 "(g) On and after July 1, ~~2023~~ 2025, the board shall be a separate and distinct budget unit  
63 as defined in ~~Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act'~~ Code Section  
64 45-12-71; provided, however, that the board shall be attached for administrative purposes  
65 only to the ~~office of the Secretary of State~~ State Accounting Office as provided for in Code  
66 Section 50-4-3. ~~The board shall neither be under the jurisdiction of the Secretary of State~~  
67 ~~nor shall it be considered a division of the office of the Secretary of State."~~

**SECTION 2.1.**

68  
69 Said chapter is further amended by revising Code Section 21-2-35, relating to emergency  
70 rules and regulations, imminent peril requirement, and procedures, as follows:

71 "21-2-35.

72 (a) Except for emergency rule-making as provided for in subsection (b) of this Code  
73 section, if the State Election Board adopts a rule, as defined in Code Section 50-13-2, or  
74 a regulation and the date of such adoption is within 60 days of the date of a presidential  
75 preference primary, general primary, special primary, general election, special election, or  
76 runoff thereof, the effective date of such rule or regulation shall be 30 days following the  
77 date of such primary, election, or runoff.

78 ~~(a)~~(b) Notwithstanding any other provision of this chapter, Chapter 3 of Title 38, relating  
79 to emergency management, or Chapter 13 of Title 50, the 'Georgia Administrative  
80 Procedure Act,' to the contrary, the State Election Board may only adopt emergency rules  
81 or regulations in circumstances of imminent peril to public health, safety, or welfare. To  
82 adopt any such emergency rule or regulation, in addition to any other rule-making  
83 requirement of this chapter or Chapter 13 of Title 50, the State Election Board shall:

- 84 (1) Give notice to the public of its intended action;
- 85 (2) Immediately upon the setting of the date and time of the meeting at which such  
86 emergency rule or regulation is to be considered, give notice by email of its intended  
87 action to:
- 88 (A) The Governor;
  - 89 (B) The Lieutenant Governor;
  - 90 (C) The Speaker of the House of Representatives;
  - 91 (D) The chairpersons of the standing committees of each house of the General  
92 Assembly tasked with election matters;
  - 93 (E) The Secretary of State;
  - 94 (F) Legislative counsel; and

95 (G) The chief executive officer of each political party registered pursuant to  
 96 subsection (a) of Code Section 21-2-110; and  
 97 (3) State in the notices required by paragraphs (1) and (2) of this subsection the nature  
 98 of the emergency and the manner in which such emergency represents an imminent peril  
 99 to public health, safety, or welfare.

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

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

### 107 SECTION 3.

108 Said chapter is further amended in Code Section 21-2-225, relating to restrictions on public  
 109 inspection of applications for voter registration and data on electors, and membership of  
 110 Secretary of State in nongovernmental entity for purpose of improving voter registration  
 111 systems, by revising subsection (c) and adding a new subsection to read as follows:

112 "(c) It shall be the duty of the Secretary of State to furnish copies of such data as may be  
 113 collected and maintained on electors whose names appear on the list of electors maintained  
 114 by the Secretary of State pursuant to this article, within the limitations provided in this  
 115 article, on electronic media or computer run list or both. ~~Notwithstanding any other~~  
 116 ~~provision of law to the contrary, the Secretary of State shall establish the cost to be charged~~  
 117 ~~for such data~~ Nothing in this subsection shall prevent a county board of registrars or  
 118 election superintendent from making the list of electors in such county available for  
 119 inspection at no cost at its offices, on its website, or both within the limitations otherwise  
 120 provided in this article. The Secretary of State may contract with private vendors to make

121 such data available in accordance with this subsection. Such data may not be used by any  
122 person for commercial purposes."

123 "(d.1) The State Election Board shall submit to the General Assembly a report evaluating  
124 procedures to improve the accuracy and efficiency of the voter registration system without  
125 participating in a nongovernmental entity with the purpose of sharing voter registration  
126 information. Such report shall include recommended amendments or modifications of state  
127 law governing voter registration procedures and the sharing of voting registration  
128 information with officials in other states. The State Election Board shall provide the report  
129 required by this subsection to the chairpersons of the Senate Ethics Committee and the  
130 House Committee on Governmental Affairs no later than December 31, 2025. This  
131 subsection shall stand repealed on July 1, 2026."

132 **SECTION 3.1.**

133 Said chapter is further amended in Code Section 21-2-225, relating to restrictions on public  
134 inspection of applications for voter registration and data on electors, and membership of  
135 Secretary of State in nongovernmental entity for purpose of improving voter registration  
136 systems, effective on July 1, 2027, by revising subsection (d) and adding new subsections  
137 to read as follows:

138 ~~"(d)(1) The Secretary of State may become a member of a nongovernmental entity whose~~  
139 ~~purpose is to share and exchange information in order to improve the accuracy and~~  
140 ~~efficiency of voter registration systems. The membership of the nongovernmental entity~~  
141 ~~shall be composed solely of election officials of state and territorial governments of the~~  
142 ~~United States, except that such membership may also include election officials of the~~  
143 ~~District of Columbia.~~

144 ~~(2) Notwithstanding any provision of law to the contrary, the Secretary of State may~~  
145 ~~share confidential and exempt information after becoming a member of such~~  
146 ~~nongovernmental entity as provided in paragraph (1) of this subsection.~~

147 ~~(3) The Secretary of State may become a member of such nongovernmental entity only~~  
148 ~~if such entity is controlled and operated by the participating jurisdictions. The entity shall~~  
149 ~~not be operated or controlled by the federal government or any other entity acting on~~  
150 ~~behalf of the federal government. The Secretary of State must be able to withdraw at any~~  
151 ~~time from any such membership in such nongovernmental entity.~~

152 ~~(4) If the Secretary of State becomes a member of such nongovernmental entity, the~~  
153 ~~Department of Driver Services shall, pursuant to an agreement with the Secretary of~~  
154 ~~State, provide driver's license or identification card information related to voter eligibility~~  
155 ~~to the Secretary of State for the purpose of sharing and exchanging voter registration~~  
156 ~~information with such nongovernmental entity.~~

157 ~~(5)(d) Notwithstanding any law to the contrary, upon the Secretary of State becoming a~~  
158 ~~member of a nongovernmental entity as provided in this subsection, any information~~  
159 ~~received by the Secretary of State prior to the effective date of this subsection from the a~~  
160 ~~nongovernmental entity whose purpose was to share and exchange information in order to~~  
161 ~~improve the accuracy and efficiency of voter registration systems is exempt from~~  
162 ~~disclosure under Article 4 of Chapter 18 of Title 50, relating to open records, and any other~~  
163 ~~provision of law. However, the Secretary of State may provide such information to the~~  
164 ~~boards of registrars to conduct voter registration list maintenance activities.~~

165 ~~(e)(1) The Secretary of State or any other state department, agency, board, bureau, office,~~  
166 ~~commission, public corporation, or authority or any board of registrars or election~~  
167 ~~superintendent shall be prohibited from joining or participating in any multistate voter list~~  
168 ~~maintenance organization that:~~

169 ~~(A) Requires or encourages the contacting of individuals who are not currently~~  
170 ~~registered to vote with the intent to register them to vote; or~~

171 ~~(B) Shares voter data outside of the explicit purpose of removing deceased, duplicate,~~  
172 ~~or otherwise ineligible voters from the list of electors.~~

173 (2) The Secretary of State or any other state department, agency, board, bureau, office,  
 174 commission, public corporation, or authority or any board of registrars or election  
 175 superintendent shall terminate participation in any multistate voter list maintenance  
 176 organization prohibited by paragraph (1) of this subsection within 90 days of the effective  
 177 date of this subsection.

178 (f)(1) In order to improve the accuracy and efficiency of the voter registration system,  
 179 the Secretary of State shall be authorized to enter into joint compacts with the chief  
 180 election official of any other state or states for the purpose of sharing information for  
 181 voter list maintenance.

182 (2) Notwithstanding any provisions of law to the contrary, the Secretary of State may  
 183 share confidential and exempt information after becoming a member of such voter list  
 184 maintenance joint compact.

185 (3) If the Secretary of State becomes a member of such voter list maintenance joint  
 186 compact, the Department of Driver Services shall, pursuant to an agreement with the  
 187 Secretary of State, provide driver's license or identification card information related to  
 188 voter eligibility to the Secretary of State for the purpose of sharing and exchanging voter  
 189 registration information with the other state or states participating in such compact.

190 (4) The Secretary of State must be able to withdraw from any such joint compact at any  
 191 time."

192 **SECTION 4.**

193 Said chapter is further amended by revising subsection (b) of Code Section 21-2-232, relating  
 194 to removal of elector's name from list of electors, as follows:

195 "(b)(1) When an elector of this state moves to another state and registers to vote and the  
 196 registration officials in such state send a notice of cancellation reflecting the registration  
 197 of the elector in the other state, which includes a copy of such elector's voter registration  
 198 application bearing the elector's signature, the Secretary of State or the board of

199 registrars, as the case may be, shall remove such elector's name from the list of electors.  
 200 It shall not be necessary to send a confirmation notice to the elector in such  
 201 circumstances.

202 (2) When an elector of this state moves to another state and the registration officials in  
 203 such other state ~~or a nongovernmental entity as described in subsection (d) of Code~~  
 204 ~~Section 21-2-225~~ send a notice of cancellation or other information indicating that the  
 205 elector has moved to such state but such notice or information does not include a copy  
 206 of such elector's voter registration application in such other state bearing the elector's  
 207 signature, the Secretary of State or the board of registrars, as the case may be, shall send  
 208 a confirmation notice to the elector as provided in Code Section 21-2-234.

209 ~~(3) Once becoming a member of the nongovernmental entity described in subsection (d)~~  
 210 ~~of Code Section 21-2-225, the Secretary of State shall obtain regular information from~~  
 211 ~~such entity regarding electors who may have moved to another state, died, or otherwise~~  
 212 ~~become ineligible to vote in Georgia. The Secretary of State shall use such information~~  
 213 ~~to conduct list maintenance on the list of eligible electors."~~

214 **SECTION 5.**

215 Said chapter is further amended in Code Section 21-2-382, relating to additional buildings  
 216 as additional registrar's office or place of registration for receiving absentee ballots and for  
 217 advance voting, and drop boxes, by adding a new subsection to read as follows:

218 "(b.1) Notwithstanding any provisions of this article to the contrary, the registrars or  
 219 absentee ballot clerk shall not accept the hand delivery of any absentee ballot following the  
 220 end of the period of advance voting provided for in subsection (d) of Code  
 221 Section 21-2-385; provided, however, that this subsection shall not apply to:

222 (1) Any absentee ballots delivered to the registrars or absentee ballot clerks at the  
 223 registrars' or absentee ballot clerk's office on the date of a primary, election, or runoff  
 224 during the hours polls are open on such day;

225 (2) Absentee ballots hand delivered to the registrars or absentee ballot clerks at the  
 226 registrars' or absentee ballot clerk's office on the Monday prior to the date of a primary  
 227 or election, if open for business, between the hours of 7:00 A.M. and 7:00 P.M.;  
 228 provided, however, that the registrar or absentee ballot clerk shall provide public notice,  
 229 at least 14 days prior to such date, that absentee ballots will be accepted at such locations  
 230 on such date and times;

231 (3) Absentee ballots delivered to the registrars or absentee ballot clerks by the United  
 232 States Postal Service or other common carrier; or

233 (4) Absentee ballots cast pursuant to the federal Uniformed and Overseas Citizens  
 234 Absentee Voting Act, 52 U.S.C. Section 20301, et seq., as amended."

235 **SECTION 6.**

236 Said chapter is further amended in Code Section 21-2-385, relating to procedure for voting  
 237 by absentee ballot and advance voting, by revising paragraph (1) of subsection (d) as follows:

238 "(d)(1) There shall be a period of advance voting that shall commence:

239 (A) On the fourth Monday immediately prior to each primary or election; and

240 (B) As soon as possible prior to a runoff from any general primary or election but no  
 241 later than the second Monday immediately prior to such runoff

242 and shall end on the Friday immediately prior to each primary, election, or runoff.

243 Voting shall be conducted beginning at 9:00 A.M. and ending at 5:00 P.M. on weekdays,

244 other than observed state holidays, during such period and shall be conducted on the

245 second and third Saturdays during the hours of 9:00 A.M. through 5:00 P.M. and, if the

246 registrar or absentee ballot clerk so chooses, the second Sunday, the third Sunday, or both

247 the second and third Sundays prior to a primary or election during hours determined by

248 the registrar or absentee ballot clerk, but no longer than 7:00 A.M. through 7:00 P.M.;

249 provided, however, that, if such second Saturday is a public and legal holiday pursuant

250 to Code Section 1-4-1, if such second Saturday follows a public and legal holiday

251 occurring on the Thursday or Friday immediately preceding such second Saturday, or if  
252 such second Saturday immediately precedes a public and legal holiday occurring on the  
253 following Sunday or Monday, such advance voting shall not be held on such second  
254 Saturday but shall be held on the third Saturday prior to such primary or election  
255 beginning at 9:00 A.M. and ending at 5:00 P.M. Except as otherwise provided in this  
256 paragraph, the registrars may extend the hours for voting to permit advance voting  
257 from 7:00 A.M. until 7:00 P.M. and may provide for additional voting locations pursuant  
258 to Code Section 21-2-382 to suit the needs of the electors of the jurisdiction at their  
259 option; provided, however, that voting shall occur only on the days specified in this  
260 paragraph and counties and municipalities shall not be authorized to conduct advance  
261 voting on any other days. Notwithstanding any other provision of this paragraph to the  
262 contrary, the governing authority of a municipality may opt out of conducting voting on  
263 one or more Saturdays during the period of advance voting in any municipal election for  
264 such municipality, by action taken during a duly called public meeting of the governing  
265 authority; provided, however, that the provisions of this sentence shall not apply to any  
266 municipal election that is held concurrent with and on the same date as any county or  
267 state primary, election, or runoff thereof."

268

#### SECTION 7.

269 Said chapter is further amended in Code Section 21-2-540, relating to conduct and timing of  
270 special primaries and special elections generally, by revising subsection (b) and  
271 paragraph (2) of subsection (c) as follows:

272 "(b) At least 29 days shall intervene between the call of a special primary and the holding  
273 of same, and at least 29 days shall intervene between the call of a special election and the  
274 holding of same. The period during which candidates may qualify to run in a special  
275 primary or a special election shall remain open for a minimum of two and one-half days.  
276 Special elections to present questions to the voters which are to be held in conjunction with

277 the presidential preference primary, a state-wide general primary, ~~or~~ state-wide general  
 278 election, state-wide special primary, or state-wide special election shall be called at least  
 279 90 days prior to the date of such presidential preference primary, state-wide general  
 280 primary, ~~or~~ state-wide general election, state-wide special primary, or state-wide special  
 281 election; provided, however, that this requirement shall not apply to special elections to  
 282 present questions to the voters held on the same date as such presidential preference  
 283 primary, state-wide general primary, ~~or~~ state-wide general election, state-wide special  
 284 primary, or state-wide special election but conducted completely separate and apart from  
 285 such state-wide general primary or state-wide general election using different ballots or  
 286 voting equipment, facilities, poll workers, and paperwork."

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

290 (A) In odd-numbered years, any such special election shall only be held on ~~the~~:

291 (i) The third Tuesday in March ~~or on the~~;

292 (ii) The Tuesday after the first Monday in November; ~~and or~~

293 (iii) The date of and in conjunction with any state-wide special primary or special  
 294 election if one is held that year, regardless of whether or not such special primary or  
 295 special election is held pursuant to the terms of this chapter; provided, however, that  
 296 the 90 days call provision of subsection (b) of this Code section shall not apply to a  
 297 special election held pursuant to this division; and

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

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

301 (ii) The third Tuesday in March; provided, however, that such special election shall  
 302 occur prior to July 1, 2024, and present a question to the voters on sales and use taxes  
 303 authorized by Articles 5, 5A, and 5B of Chapter 8 of Title 48;

- 304 (iii) The date of the general primary; or  
305 (iv) The Tuesday after the first Monday in November."

306 **SECTION 8.**

307 Said chapter is further amended by revising Code Section 21-2-540, relating to conduct and  
308 timing of special primaries and special elections generally, effective on July 1, 2026, as  
309 follows:

310 "21-2-540.

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

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

325 (b) At least ~~29~~ 60 days shall intervene between the call of a special primary and the  
326 holding of same, and at least ~~29~~ 45 days shall intervene between the call of a special  
327 election and the holding of same. The period during which candidates may qualify to run  
328 in a special primary or a special election shall remain open for a minimum of two and  
329 one-half days. Special elections to present questions to the voters which are to be held in

330 conjunction with the presidential preference primary, a state-wide general primary,  
331 state-wide general election, state-wide special primary, or state-wide special election shall  
332 be called at least 90 days prior to the date of such presidential preference primary,  
333 state-wide general primary, state-wide general election, state-wide special primary, or  
334 state-wide special election; provided, however, that this requirement shall not apply to  
335 special elections to present questions to the voters held on the same date as such  
336 presidential preference primary, state-wide general primary, state-wide general election,  
337 state-wide special primary, or state-wide special election but conducted completely  
338 separate and apart from such state-wide general primary or state-wide general election  
339 using different ballots or voting equipment, facilities, poll workers, and paperwork.

340 (c)(1) Notwithstanding any other provision of law to the contrary, a special primary or  
341 special election to fill a vacancy in a county or municipal office shall be held only on one  
342 of the following dates which is at least ~~29~~ 60 days after the date of the call for the special  
343 election:

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

346 (i) The third Tuesday in March;

347 (ii) The third Tuesday in June; or

348 (iii) ~~The third Tuesday in September; or~~

349 ~~(iv)~~ The Tuesday after the first Monday in November; and

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

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

357 (ii) The date of the general primary; or

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

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

368 (2) Notwithstanding any other provision of law to the contrary, a special election to  
369 present a question to the voters shall be held only on one of the following dates which is  
370 at least ~~29~~ 45 days after the date of the call for the special election:

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

372 (i) The third Tuesday in March;

373 (ii) The Tuesday after the first Monday in November; or

374 (iii) The date of and in conjunction with any state-wide special primary or special  
375 election if one is held that year, regardless of whether or not such special primary or  
376 special election is held pursuant to the terms of this chapter; provided, however, that  
377 the 90 days call provision of subsection (b) of this Code section shall not apply to a  
378 special election held pursuant to this division; and

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

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

- 382           (ii) ~~The third Tuesday in March, provided, however, that such special election shall~~  
 383           ~~occur prior to July 1, 2024, and present a question to the voters on sales and use taxes~~  
 384           ~~authorized by Articles 5, 5A, and 5B of Chapter 8 of Title 48;~~  
 385           (iii) The date of the general primary; or  
 386           ~~(iv)~~(iii) The Tuesday after the first Monday in November.
- 387       (3) The provisions of this subsection shall not apply to:
- 388           (A) Special elections held pursuant to Chapter 4 of this title, the 'Recall Act of 1989,'  
 389           to recall a public officer or to fill a vacancy in a public office caused by a recall  
 390           election; and
- 391           (B) Special primaries or special elections to fill vacancies in federal or state public  
 392           offices.
- 393       (d) Except as otherwise provided by this chapter, the superintendent of each county or  
 394       municipality shall publish the call of the special primary or special election.
- 395           (e)(1) Candidates in special elections for partisan offices that are not preceded by special  
 396           primaries shall be listed alphabetically on the ballot and may choose to designate on the  
 397           ballot their party affiliation. The party affiliation selected by a candidate shall not be  
 398           changed following the close of qualifying.
- 399       (2) Candidates in special primaries shall be listed alphabetically on the ballot."

400

**SECTION 9.**

- 401       (a) Except as provided for in subsection (b) of this section, this Act shall become effective  
 402       on July 1, 2025.
- 403           (b)(1) Sections 3, 7, 10, and this section of this Act shall become effective upon its  
 404           approval by the Governor or upon its becoming law without such approval.
- 405           (2) Section 8 of this Act shall become effective on July 1, 2026.
- 406           (3) Sections 3.1 and 4 of this Act shall become effective on July 1, 2027.

407

**SECTION 10.**

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