

Senate Bill 112

By: Senator McKoon of the 29th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to
2 remove the requirement that independent and political body candidates file nomination
3 petitions for ballot access; to provide for related matters; to repeal conflicting laws; and for
4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by
8 revising subsection (a) of Code Section 21-2-50, relating to powers and duties of the
9 Secretary of State and prohibition against serving in fiduciary capacity, as follows:

10 "(a) The Secretary of State shall exercise all the powers granted to the Secretary of State
11 by this chapter and shall perform all the duties imposed by this chapter, which shall include
12 the following:

13 (1) To determine the forms of ~~nomination petitions~~, ballots; and other forms the
14 Secretary of State is required to determine under this chapter;

15 (2) To receive registration statements from political parties and bodies and to determine
16 their sufficiency prior to filing, in accordance with this chapter, and to settle any disputes
17 concerning such statements;

18 (3) ~~To receive and determine the sufficiency of nomination petitions of candidates filing~~
19 ~~notice of their candidacy with the Secretary of State in accordance with this chapter~~
20 Reserved;

21 (4) To certify to the proper superintendent official lists of all the political party
22 candidates who have been certified to the Secretary of State as qualified candidates for
23 the succeeding primary and to certify to the proper superintendent official lists of all the
24 candidates who have filed their notices of candidacy with the Secretary of State, both
25 such certifications to be in substantially the form of the ballots to be used in the primary
26 or election. The Secretary of State shall add to such form the language to be used in

27 submitting any proposed constitutional amendment or other question to be voted upon at
28 such election;

29 (5) To furnish to the proper superintendent all blank forms, including tally and return
30 sheets, numbered lists of voters, cards of instructions, notices of penalties, instructions
31 for marking ballots, tally sheets, precinct returns, recap sheets, consolidated returns, oaths
32 of managers and clerks, oaths of assisted electors, voters certificates and binders,
33 applications for absentee ballots, envelopes and instruction sheets for absentee ballots,
34 and such other supplies as the Secretary of State shall deem necessary and advisable from
35 time to time, for use in all elections and primaries. Such forms shall have printed thereon
36 appropriate instructions for their use;

37 (6) To receive from the superintendent the returns of primaries and elections and to
38 canvass and compute the votes cast for candidates and upon questions, as required by this
39 chapter;

40 (7) To furnish upon request a certified copy of any document in the Secretary of State's
41 custody by virtue of this chapter and to fix and charge a fee to cover the cost of furnishing
42 same;

43 (8) To perform such other duties as may be prescribed by law;

44 (9) To determine and approve the form of ballots for use in special elections;

45 (10) To prepare and provide a notice to all candidates for federal or state office advising
46 such candidates of such information, to include requirements of this chapter, as may, in
47 the discretion of the Secretary of State, be conducive to the fair, legal, and orderly
48 conduct of primaries and elections. A copy of such notice shall be provided to each
49 superintendent for further distribution to candidates for county and militia district offices;

50 (11) To conduct training sessions at such places as the Secretary of State deems
51 appropriate in each year; for the training of registrars and superintendents of elections;

52 (12) To prepare and publish, in the manner provided in this chapter, all notices and
53 advertisements in connection with the conduct of elections which may be required by
54 law;

55 (13) To prepare and furnish information for citizens on voter registration and voting;

56 (14) To maintain the official list of registered voters for this state and the list of inactive
57 voters required by this chapter; and

58 (15) To develop, program, build, and review ballots for use by counties and
59 municipalities on direct recording electronic (DRE) voting systems in use in ~~the~~ this
60 state."

61 **SECTION 2.**

62 Said title is further amended by revising Code Section 21-2-70, relating to powers and duties
 63 of election superintendents, as follows:

64 "21-2-70.

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

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

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

73 (3) To prepare and publish, in the manner provided by this chapter, all notices and
 74 advertisements, in connection with the conduct of elections, which may be required by
 75 law, and to transmit immediately to the Secretary of State a copy of any publication in
 76 which a call for a special primary, election, or runoff is issued;

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

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

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

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

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

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

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

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

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

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

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

113 (15)(A) In the case of a judge of the probate court serving as the election
 114 superintendent, such person shall take an oath in the following form upon assuming the
 115 duties of election superintendent which shall apply to all primaries and elections
 116 conducted by such person throughout such person's tenure as election superintendent:
 117 I, _____, do swear (or affirm) that I will as
 118 superintendent duly attend all ensuing primaries and elections during the continuance
 119 thereof, that I will to the best of my ability prevent any fraud, deceit, or abuse in
 120 carrying on the same, that I will make a true and perfect return of such primaries and
 121 elections, and that I will at all times truly, impartially, and faithfully perform my
 122 duties in accordance with Georgia laws to the best of my judgment and ability.

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

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

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

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

145 (D) Each judge of the probate court serving as an election superintendent, each
 146 member of a board of elections or board of elections and registration, and each election
 147 supervisor or designee for a board of elections or board of elections and registration
 148 serving on July 1, 2011, shall take the appropriate oath as set forth in this Code section
 149 which shall apply to all primaries and elections conducted throughout such person's
 150 tenure in that position."

151 **SECTION 3.**

152 Said title is further amended by revising Code Section 21-2-72, relating to primary and
 153 election records to be open to public, as follows:

154 "21-2-72.

155 Except when otherwise provided by law or court order, the primary and election records
 156 of each superintendent, registrar, municipal governing authority, and committee of a
 157 political party or body, including registration statements, ~~nomination petitions~~, affidavits,
 158 certificates, tally papers, returns, accounts, contracts, reports, and other documents in
 159 official custody, except the contents of voting machines, shall be open to public inspection
 160 and may be inspected and copied by any elector of the county or municipality during usual
 161 business hours at any time when they are not necessarily being used by the custodian or his
 162 or her employees having duties to perform in reference thereto; provided, however, that
 163 such public inspection shall only be in the presence of the custodian or his or her employee
 164 and shall be subject to proper regulation for the safekeeping of such documents and subject
 165 to the further provisions of this chapter. The custodian shall also, upon request, if
 166 photocopying equipment is available in the building in which the records are housed, make
 167 and furnish to any member of the public copies of any of such records upon payment of the
 168 actual cost of copying the records requested."

169 **SECTION 4.**

170 Said title is further amended by revising subsection (f) of Code Section 21-2-110, relating
 171 to filing of registration statements by political parties or bodies with the Secretary of State,
 172 contents of registration statements, amendments, filing fees, and failure to file statement, as
 173 follows:

174 "(f) A political party, body, or municipal executive committee failing to file a registration
 175 statement as required by subsection (a) or (b) of this Code section at least 60 days before
 176 any primary or election at which it shall seek to have candidates on the ballot shall not have
 177 its name or the names of its candidates placed on any ~~nomination petition~~, ballot, or ballot
 178 label."

179 **SECTION 5.**

180 Said title is further amended by revising Code Section 21-2-130, relating to procedures for
 181 qualification of candidates generally, as follows:

182 "21-2-130.

183 Candidates may qualify for an election by virtue of:

- 184 (1) Nomination in a primary conducted by a political party;
- 185 (2) Filing a ~~nomination petition~~ notice of candidacy either as an independent candidate
 186 or as a nominee of a political body, if duly certified by the chairperson and the secretary
 187 of the political body as having been nominated in a duly constituted political body
 188 convention as prescribed in Code Section 21-2-172;
- 189 (3) Nomination for a state-wide office by a duly constituted political body convention
 190 as prescribed in Code Section 21-2-172 if the political body making the nomination has
 191 qualified to nominate candidates for state-wide public office under the provisions of Code
 192 Section 21-2-180;
- 193 (4) In the case of an election for presidential electors, nomination as prescribed by rules
 194 of a political party;
- 195 (5) Substitute nomination by a political party or body as prescribed in Code Sections
 196 21-2-134 and 21-2-155, respectively;
- 197 (6) Candidacy in a special election ~~as prescribed in subsection (e) of Code~~
 198 ~~Section 21-2-132~~; or
- 199 (7) Being an incumbent qualifying as a candidate to succeed such incumbent as
 200 ~~prescribed in subsection (e) of Code Section 21-2-132.~~"

201 **SECTION 6.**

202 Said title is further amended by revising subsections (e) and (h) of Code Section 21-2-132,
 203 relating to filing notice of candidacy, nomination petition, and affidavit, payment of

204 qualifying fee, pauper's affidavit and qualifying petition for exemption from qualifying fee,
 205 and military service, as follows:

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

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

215 ~~(2) Seeking office in a special election;~~

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

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

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

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

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

241 (2) Each person signing a qualifying pauper's petition shall declare therein that he or she
 242 is a duly qualified and registered elector of the state entitled to vote in the next election
 243 for the filling of the office sought by the candidate supported by ~~the~~ such petition and
 244 shall add to his or her signature his or her residence address, giving municipality, if any,
 245 and county, with street and number, if any. No person shall sign the same pauper's
 246 petition more than once. Each pauper's petition shall support the candidacy of only a
 247 single candidate. A signature shall be stricken from the pauper's petition when the signer
 248 so requests prior to the presentation of ~~the~~ such petition to the appropriate officer for
 249 filing, but such a request shall be disregarded if made after such presentation. Each sheet
 250 shall bear on the bottom or back thereof the affidavit of the circulator of such sheet,
 251 which shall be subscribed and sworn to by such circulator before a notary public and shall
 252 set forth:

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

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

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

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

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

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

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

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

274 **SECTION 7.**

275 Said title is further amended by revising Code Section 21-2-138, relating to nonpartisan
 276 elections for judicial offices, as follows:

277 "21-2-138.

278 The names of all candidates who have qualified with the Secretary of State for the office
 279 of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court
 280 of this state and the names of all candidates who have qualified with the election
 281 superintendent for the office of judge of a state court shall be placed on the ballot in a
 282 nonpartisan election to be held and conducted jointly with the general primary in each
 283 even-numbered year. No candidates for any such office shall be nominated by a political
 284 party or ~~by a petition as a candidate~~ of a political body or as an independent candidate.
 285 Candidates for any such office shall have their names placed on the nonpartisan portion of
 286 each ballot by complying with the requirements prescribed in Code Section 21-2-132
 287 specifically related to such nonpartisan candidates and by paying the requisite qualifying
 288 fees as prescribed in Code Section 21-2-131. Candidates shall be listed on the official
 289 ballot in a nonpartisan election as provided in Code Sections 21-2-284.1 and 21-2-285.1,
 290 respectively. Except as otherwise specified in this chapter, the procedures to be employed
 291 in conducting the nonpartisan election of judges of state courts, judges of superior courts,
 292 Judges of the Court of Appeals, and Justices of the Supreme Court shall conform as nearly
 293 as practicable to the procedures governing general elections; and such general election
 294 procedures as are necessary to complete this nonpartisan election process shall be adopted
 295 in a manner consistent with such nonpartisan elections."

296 **SECTION 8.**

297 Said title is further amended by revising subsections (a) and (a.1) of Code Section 21-2-153,
 298 relating to qualification of candidates for party nomination in a state or county primary,
 299 posting of list of all qualified candidates, filing of affidavit with political party by each
 300 qualifying candidate, and performance of military service does not create vacancy, as
 301 follows:

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

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

305 (2)(A) The submission of a pauper's affidavit by any candidate who has filed a
 306 ~~qualifying pauper's~~ petition as provided for in subsection (a.1) of this Code section, by
 307 which the candidate under oath affirms his or her poverty and his or her resulting
 308 inability to pay the qualifying fee otherwise required. The form of the affidavit shall
 309 be prescribed by the Secretary of State and shall include a financial statement which

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

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

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

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

344 (2) Each person signing a qualifying pauper's petition shall declare therein that he or she
 345 is a duly qualified and registered elector of the state entitled to vote in the next election
 346 for the filling of the office sought by the candidate supported by the such petition and

347 shall add to his or her signature his or her residence address, giving municipality, if any,
 348 and county, with street and number, if any. No person shall sign the same pauper's
 349 petition more than once. Each pauper's petition shall support the candidacy of only a
 350 single candidate. A signature shall be stricken from the pauper's petition when the signer
 351 so requests prior to the presentation of ~~the~~ such petition to appropriate officer for filing,
 352 but such a request shall be disregarded if made after such presentation. Each sheet shall
 353 bear on the bottom or back thereof the affidavit of the circulator of such sheet, setting
 354 forth:

- 355 (A) His or her residence address, giving municipality with street and number, if any;
 356 (B) That each signer manually signed his or her own name with full knowledge of the
 357 contents of the qualifying pauper's petition;
 358 (C) That each signature on such sheet was signed within 180 days of the last day on
 359 which such pauper's petition may be filed; and
 360 (D) That, to the best of the affiant's knowledge and belief, the signers are registered
 361 electors of this state qualified to sign ~~the~~ such petition, that their respective residences
 362 are correctly stated in ~~the~~ such petition, and that they all reside in the county named in
 363 the affidavit;
- 364 (3) A qualifying pauper's petition shall be in the form and manner determined by the
 365 Secretary of State and approved by the State Elections Board;
- 366 (4) No qualifying pauper's petition shall be circulated prior to 180 days before the last
 367 day on which such petition may be filed, and no signature shall be counted unless it was
 368 signed within 180 days of the last day for filing the same; and
- 369 (5) A pauper's petition shall not be amended or supplemented after its presentation to the
 370 appropriate officer for filing."

371 **SECTION 9.**

372 Said title is further amended by revising Code Section 21-2-170, relating to nomination of
 373 candidates by petition, form of petition, signatures, limitations as to circulation and
 374 amendment of petitions, listing of such candidates on ballots, and charter or ordinance
 375 authorization, as follows:

376 "21-2-170.

377 ~~(a) In addition to the party nominations made at primaries, nominations of candidates for~~
 378 ~~public office other than municipal office may be made by nomination petitions signed by~~
 379 ~~electors and filed in the manner provided in this Code section, and such nomination by~~
 380 ~~petition may also be made for municipal public office if provided for by the municipality's~~
 381 ~~charter or by municipal ordinance. Such petition shall be in the form prescribed by the~~
 382 ~~officers with whom they are filed, and no forms other than the ones so prescribed shall be~~

383 used for such purposes, but such petitions shall provide sufficient space for the printing of
384 the elector's name as well as for his or her signature. In addition to the other requirements
385 provided for in this Code section, each elector signing a nomination petition shall also print
386 his or her name thereon.

387 ~~(b) A nomination petition of a candidate seeking an office which is voted upon state wide
388 shall be signed by a number of voters equal to 1 percent of the total number of registered
389 voters eligible to vote in the last election for the filling of the office the candidate is seeking
390 and the signers of such petition shall be registered and eligible to vote in the election at
391 which such candidate seeks to be elected. A nomination petition of a candidate for any
392 other office shall be signed by a number of voters equal to 5 percent of the total number of
393 registered voters eligible to vote in the last election for the filling of the office the candidate
394 is seeking and the signers of such petition shall be registered and eligible to vote in the
395 election at which such candidate seeks to be elected. However, in the case of a candidate
396 seeking an office for which there has never been an election or seeking an office in a newly
397 constituted constituency, the percentage figure shall be computed on the total number of
398 registered voters in the constituency who would have been qualified to vote for such office
399 had the election been held at the last general election and the signers of such petition shall
400 be registered and eligible to vote in the election at which such candidate seeks to be
401 elected.~~

402 ~~(c) Each person signing a nomination petition shall declare therein that he or she is a duly
403 qualified and registered elector of the state, county, or municipality entitled to vote in the
404 next election for the filling of the office sought by the candidate supported by the petition
405 and shall add to his or her signature his or her residence address, giving municipality, if
406 any, and county, with street and number, if any, and be urged to add the person's date of
407 birth which shall be used for verification purposes. No person shall sign the same petition
408 more than once. Each petition shall support the candidacy of only a single candidate,
409 except any political body seeking to have the names of its candidates for the offices of
410 presidential electors placed upon the ballot through nomination petitions shall not compile
411 a separate petition for each candidate for such office, but such political body shall compile
412 its petitions so that the entire slate of candidates of such body for such office shall be listed
413 together on the same petition. A signature shall be stricken from the petition when the
414 signer so requests prior to the presentation of the petition to the appropriate officer for
415 filing, but such a request shall be disregarded if made after such presentation.~~

416 ~~(d) A nomination petition shall be on one or more sheets of uniform size and different
417 sheets must be used by signers resident in different counties or municipalities. The upper
418 portion of each sheet, prior to being signed by any petitioner, shall bear the name and title
419 of the officer with whom the petition will be filed, the name of the candidate to be~~

420 supported by the petition, his or her profession, business, or occupation, if any, his or her
 421 place of residence with street and number, if any, the name of the office he or she is
 422 seeking, his or her political body affiliation, if any, and the name and date of the election
 423 in which the candidate is seeking election. If more than one sheet is used, they shall be
 424 bound together when offered for filing if they are intended to constitute one nomination
 425 petition, and each sheet shall be numbered consecutively, beginning with number one, at
 426 the foot of each page. Each sheet shall bear on the bottom or back thereof the affidavit of
 427 the circulator of such sheet, which affidavit must be subscribed and sworn to by such
 428 circulator before a notary public and shall set forth:

- 429 (1) His or her residence address, giving municipality with street and number, if any;
- 430 (2) That each signer manually signed his or her own name with full knowledge of the
 431 contents of the nomination petition;
- 432 (3) That each signature on such sheet was signed within 180 days of the last day on
 433 which such petition may be filed; and
- 434 (4) That, to the best of the affiant's knowledge and belief, the signers are registered
 435 electors of the state qualified to sign the petition, that their respective residences are
 436 correctly stated in the petition, and that they all reside in the county or municipality
 437 named in the affidavit.

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

443 (e) No nomination petition shall be circulated prior to 180 days before the last day on
 444 which such petition may be filed, and no signature shall be counted unless it was signed
 445 within 180 days of the last day for filing the same.

446 (f) A nomination petition shall not be amended or supplemented after its presentation to
 447 the appropriate officer for filing.

448 (g) Only those candidates whose petitions are accompanied by a certificate sworn to by
 449 the chairperson and secretary of a political body duly registered with the Secretary of State
 450 as required by Code Section 21-2-110, stating that the named candidate is the nominee of
 451 that political body by virtue of being nominated in a convention, as prescribed in Code
 452 Section 21-2-172, shall be listed on the ballot under the name of the political body. All
 453 petition candidates not so designated as the nominee of a political body shall be listed on
 454 the ballot in the independent column.

455 ~~(h) Notwithstanding the provisions of this Code section, candidates for municipal offices~~
 456 ~~may be nominated by petitions as provided for in this Code section only if the municipality~~
 457 ~~authorizes such nominations by petitions in its charter or by ordinance Reserved."~~

458 **SECTION 10.**

459 Said title is further amended by revising Code Section 21-2-171, relating to examination of
 460 petitions, basis for grant or denial of filing, and review and appeal of denial, as follows:

461 "21-2-171.

462 ~~(a) When any nomination petition is presented in the office of the Secretary of State or of~~
 463 ~~any superintendent for filing within the period limited by this chapter, it shall be the duty~~
 464 ~~of such officer to examine the same to the extent necessary to determine if it complies with~~
 465 ~~the law. No candidate shall be qualified if such nomination petition:~~

466 ~~(1) Contains material errors or defects apparent on the face thereof;~~

467 ~~(2) Contains material alterations made after signing without the consent of the signers;~~

468 ~~or~~

469 ~~(3) Does not contain a sufficient number of signatures of registered voters as required~~
 470 ~~by law:~~

471 ~~The Secretary of State or any superintendent shall review the petition for compliance with~~
 472 ~~the provisions of Code Section 21-2-170 and shall disregard any pages or signatures that~~
 473 ~~are not in conformance with the provisions of that Code section. The Secretary of State or~~
 474 ~~any superintendent may question the genuineness of any signature appearing on a petition~~
 475 ~~or the qualification of any signer whose signature appears thereon and, if he or she shall~~
 476 ~~thereupon find that any such signature is improper, such signature shall be disregarded in~~
 477 ~~determining whether the petition contains a sufficient number of signatures as required by~~
 478 ~~law. The invalidity of any sheet of a nomination petition shall not affect the validity of~~
 479 ~~such petition if a sufficient petition remains after eliminating such invalid sheet.~~

480 ~~(b) Upon the filing of a nomination petition, the officer with whom it is filed shall begin~~
 481 ~~expeditiously to examine the petition to determine if it complies with the law. During such~~
 482 ~~examination the officer shall have the right to summon by subpoena on two days' notice~~
 483 ~~and interrogate under oath the candidate named in the petition, any person who signed the~~
 484 ~~petition, any person who executed or witnessed any affidavit or certificate accompanying~~
 485 ~~the petition, or any other person who may have knowledge of any matter relevant to the~~
 486 ~~examination. Such officer shall also have the right to subpoena on two days' notice any~~
 487 ~~record relevant to the examination. No witness shall be compelled to attend if he or she~~
 488 ~~should reside more than 100 miles from the place of hearing by the nearest practical route;~~
 489 ~~provided, however, that the officer may compel the taking of his or her testimony by~~
 490 ~~deposition in the county of the residence of the witness. The sheriff of any county, or his~~

491 ~~or her deputy, or agent of the officer shall serve all processes issued by the officer, or the~~
 492 ~~same may be served by United States registered or certified mail or statutory overnight~~
 493 ~~delivery, and the production of an appropriate return receipt issued by the United States~~
 494 ~~post office or commercial delivery firm shall constitute prima-facie evidence of such~~
 495 ~~service. In case of the refusal of any person subpoenaed to attend or testify, such fact shall~~
 496 ~~be reported forthwith by the officer to the appropriate superior court, or to a judge thereof,~~
 497 ~~and such court or judge shall order such witness to attend and testify, and, on failure or~~
 498 ~~refusal to obey such order, such witness shall be dealt with as for contempt. Any witness~~
 499 ~~so subpoenaed, and after attending, shall be allowed and paid the same mileage and fee as~~
 500 ~~now allowed and paid witnesses in civil actions in the superior court. The officer shall not~~
 501 ~~be bound by technical rules of evidence in hearing such testimony. The testimony~~
 502 ~~presented shall be stenographically recorded and made a part of the record of the~~
 503 ~~examination. If the petition complies with the law, it shall be granted and the candidate~~
 504 ~~named therein shall be notified in writing. If the petition fails to comply with the law, it~~
 505 ~~shall be denied and the candidate named therein shall be notified of the cause for such~~
 506 ~~denial by letter directed to his or her last known address. In neither case shall the petition~~
 507 ~~be returned to the candidate.~~

508 ~~(c) The decision of the officer denying a nomination petition may be reviewed by the~~
 509 ~~superior court of the county containing the office of such officer upon an application for~~
 510 ~~a writ of mandamus to compel the granting of such petition. The application for such writ~~
 511 ~~of mandamus shall be made within five days of the time when the petitioner is notified of~~
 512 ~~such decision. Upon the application being made, a judge of such court shall fix a time and~~
 513 ~~place for hearing the matter in dispute as soon as practicable; and notice thereof shall be~~
 514 ~~served with a copy of such application upon the officer with whom the nomination petition~~
 515 ~~was filed and upon the petitioner. At the time so fixed the court, or any judge thereof~~
 516 ~~assigned for the purpose, shall hear the case. If after such hearing the said court shall find~~
 517 ~~that the decision of the officer was erroneous, it shall issue its mandate to the officer to~~
 518 ~~correct his or her decision and to grant the nomination petition. From any decision of the~~
 519 ~~superior court an appeal may be taken within five days after the entry thereof. It shall be~~
 520 ~~the duty of the appellate court to fix the hearing and to announce its decision within such~~
 521 ~~period of time as will permit the name of the candidate affected by the court's decision to~~
 522 ~~be printed on the ballot if the court should so determine Reserved."~~

523

SECTION 11.

524 Said title is further amended by revising Code Section 21-2-180, relating to manner of
 525 qualification of political bodies to nominate candidates for state-wide public office by
 526 convention, as follows:

527 "21-2-180.

528 Any political body which is duly registered as provided for in Code Section 21-2-110 is
529 qualified to nominate candidates for state-wide public office by convention if:

530 ~~(1) The political body files with the Secretary of State a petition signed by voters equal
531 in number to 1 percent of the registered voters who were registered and eligible to vote
532 in the preceding general election; or~~

533 ~~(2) At , at the preceding general election, the political body nominated a candidate for
534 state-wide office and such candidate received a number of votes equal to 1 percent of the
535 total number of registered voters who were registered and eligible to vote in such general
536 election."~~

537 **SECTION 12.**

538 Said title is further amended by revising Code Section 21-2-181, relating to filing of petitions
539 generally, as follows:

540 "21-2-181.

541 ~~Petitions to qualify political bodies to nominate candidates for state-wide public office by
542 convention shall be filed with the Secretary of State and shall be signed by voters in the
543 manner provided in this part. Such petitions shall provide sufficient space for the printing
544 of the voter's name and for the voter's signature. No forms other than those prescribed in
545 this part shall be used for qualifying a political body to nominate candidates for public
546 office Reserved."~~

547 **SECTION 13.**

548 Said title is further amended by revising Code Section 21-2-182, relating to contents of
549 petitions and signatures, as follows:

550 "21-2-182.

551 ~~Each person signing a political body qualifying petition shall declare therein that such
552 person is a duly qualified and registered voter of the state, entitled to vote in the next
553 election for members of the General Assembly, and shall provide with such person's
554 signature such person's residence address and county and the date of such person's
555 signature. No person shall sign the same petition more than once. Each petition shall
556 support the qualification of only one political body. No signature shall be valid if made
557 more than 15 months prior to the submission of the petitions to the Secretary of State. A
558 signature shall be stricken from the petition when the signer so requests prior to the
559 presentation of the petitions to the Secretary of State for filing, but such request shall be
560 disregarded if made after such presentation Reserved."~~

561 **SECTION 14.**

562 Said title is further amended by revising Code Section 21-2-183, relating to form of petitions
 563 and affidavits of circulators, as follows:

564 "21-2-183.

565 ~~(a) A petition to qualify a political body to nominate candidates for public office by~~
 566 ~~convention shall be on one or more sheets of uniform size, and different sheets must be~~
 567 ~~used by signers residing in different counties. The upper portion of each sheet, prior to~~
 568 ~~being signed by any petitioner, shall bear the name and title of the Secretary of State and~~
 569 ~~the political body to be formed by the petition. If more than one sheet is used, they shall~~
 570 ~~be bound together when offered for filing and each sheet shall be numbered consecutively,~~
 571 ~~beginning with number one, at the foot of each page.~~

572 ~~(b) Each sheet shall bear on the bottom or back thereof the affidavit of the circulator of~~
 573 ~~such sheet setting forth:~~

574 ~~(1) The residence address of the circulator;~~

575 ~~(2) That each signer manually signed such signer's own name with full knowledge of the~~
 576 ~~contents of the political body qualifying petitions;~~

577 ~~(3) That, to the best of the affiant's knowledge and belief, the signers are registered~~
 578 ~~voters of the State of Georgia, qualified to sign the petition;~~

579 ~~(4) That their respective residences are correctly stated in the petition; and~~

580 ~~(5) That they all reside in the county named in the affidavit Reserved."~~

581 **SECTION 15.**

582 Said title is further amended by revising Code Section 21-2-184, relating to restriction on
 583 amendment or supplementation, as follows:

584 "21-2-184.

585 ~~A petition to qualify a political body to nominate candidates for state-wide public office~~
 586 ~~by convention shall not be amended or supplemented after its presentation to the Secretary~~
 587 ~~of State for filing Reserved."~~

588 **SECTION 16.**

589 Said title is further amended by revising Code Section 21-2-185, relating to filing deadline,
 590 as follows:

591 "21-2-185.

592 ~~No petition to qualify a political body shall be submitted to the Secretary of State for~~
 593 ~~verification after 12:00 Noon on the second Tuesday in July Reserved."~~

594 **SECTION 17.**

595 Said title is further amended by revising Code Section 21-2-186, relating to examination of
 596 petitions and judicial review, as follows:

597 "21-2-186.

598 ~~Petitions to qualify a political body to nominate candidates for state-wide public office by~~
 599 ~~convention shall be examined and shall be subject to judicial review in the same manner~~
 600 ~~as provided for candidates nominated by petition pursuant to Code Section 21-2-171~~
 601 Reserved."

602 **SECTION 18.**

603 Said title is further amended by revising Code Section 21-2-187, relating to holding of
 604 conventions and filing notice of candidacy, as follows:

605 "21-2-187.

606 Political bodies shall hold their conventions in accordance with Code Section 21-2-172,
 607 and candidates nominated for state-wide public office in convention shall file a notice of
 608 candidacy no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the
 609 election and no later than 12:00 Noon on the Friday following the fourth Monday in June
 610 as prescribed in Code Section 21-2-132; ~~provided, however, that the political body must~~
 611 ~~file its qualifying petition no later than 12:00 Noon on the second Tuesday in July~~
 612 ~~following the convention as prescribed in Code Section 21-2-172 in order to qualify its~~
 613 ~~candidates to be listed on the general election ballot."~~

614 **SECTION 19.**

615 Said title is further amended by revising subsection (g) of Code Section 21-2-285, relating
 616 to form of official election ballot, attestation on receipt of benefit in exchange for vote, and
 617 when an election is not required, as follows:

618 "(d) Unless a candidate has filed ~~with his or her nominating petition~~ a certificate from a
 619 political party or body attesting that such candidate is the nominee of such party by virtue
 620 of having been nominated in a duly constituted party convention, the candidate's name shall
 621 appear on the ballot under the independent column."

622 **SECTION 20.**

623 Said title is further amended by revising subsection (d) of Code Section 21-2-379.5, relating
 624 to ballot information, as follows:

625 "(d) Unless a candidate has filed ~~with his or her nominating petition~~ a certificate from a
 626 political party or body attesting that such candidate is the nominee of such party or body

627 by virtue of having been nominated in a duly constituted party or body convention, the
628 candidate's name shall appear on the ballot as an independent."

629 **SECTION 21.**

630 Said title is further amended by revising subsection (f) of Code Section 21-2-480, relating
631 to caption for ballots, party designations, and form and arrangement, as follows:

632 "(f) Unless a candidate has filed ~~with his or her nominating petition~~ a certificate from a
633 political party or body attesting that such candidate is the nominee of such party or body
634 by virtue of having been nominated in a duly constituted party or body convention, the
635 candidate's name shall appear on the ballot as an independent."

636 **SECTION 22.**

637 Said title is further amended by revising Code Section 21-2-563, relating to improper signing
638 or alteration of nomination petitions or affidavits, as follows:

639 "21-2-563.

640 Any person who knowingly and willfully:

- 641 (1) Signs any ~~nomination~~ pauper's petition without having the qualifications prescribed
642 by this chapter;
- 643 (2) Sets any false statement opposite the signature on a ~~nomination~~ pauper's petition;
- 644 (3) Signs more ~~nomination~~ pauper's petitions than permitted by this chapter;
- 645 (4) Makes a false statement in any affidavit required by this chapter to be appended to
646 or to accompany a ~~nomination~~ pauper's petition;
- 647 (5) Signs any name not his or her own to any ~~nomination~~ pauper's petition; or
- 648 (6) Materially alters any ~~nomination~~ pauper's petition without the consent of the signers
649 shall be guilty of a felony."

650 **SECTION 23.**

651 Said title is further amended by revising Code Section 21-2-564, relating to willful
652 destruction, fraudulent filing, or suppression of nomination materials, as follows:

653 "21-2-564.

654 Any person who willfully makes any false nomination certificate or defaces or destroys any
655 ~~nomination~~ pauper's petition, nomination certificate, or nomination paper, or letter of
656 withdrawal, knowing the same; or any part thereof; to be made falsely, or suppresses any
657 ~~nomination~~ pauper's petition, nomination certificate, or nomination paper, or any part
658 thereof, which has been duly filed shall be guilty of a felony."

659

SECTION 24.

660 Said title is further amended by revising paragraph (1) of subsection (c) of Code
661 Section 21-5-50, relating to filing by public officers, filing by candidates for public office,
662 filing by elected officials and members of the General Assembly, electronic filing, and
663 transfer of filings from the Secretary of State to the commission, as follows:

664 "(c)(1) Each person who qualifies with a political party as a candidate for party
665 nomination to a public office elected state wide (including an incumbent public officer
666 elected state wide qualifying to succeed himself or herself) shall file with the
667 commission, not later than seven days after so qualifying, a financial disclosure
668 statement. Each person who qualifies as a candidate for election to a public office elected
669 state wide ~~through a nomination petition or convention~~ shall likewise file a financial
670 disclosure statement not later than seven days after filing his or her notice of candidacy.
671 Such financial disclosure statement shall comply with the requirements of subsections (a)
672 and (b) of this Code section and shall in addition identify, for the preceding five calendar
673 years:

674 (A) Each transaction or transactions which aggregate \$9,000.00 or more in a calendar
675 year in which the candidate (whether for himself or herself or on behalf of any
676 business) or any business in which such candidate or any member of his or her family
677 has a substantial interest or is an officer of such business has transacted business with
678 the government of the State of Georgia, the government of any political subdivision of
679 the State of Georgia, or any agency of any such government; and

680 (B) Each transaction or transactions which aggregate \$9,000.00 or more in a calendar
681 year in which the candidate or any business in which such candidate or any member of
682 his or her family has a substantial interest or is an officer of such business received any
683 income of any nature from any person who was at the time of such receipt of income
684 represented by a lobbyist registered with the commission pursuant to Article 4 of this
685 chapter."

686

SECTION 25.

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