

Senate Bill 199

By: Senators Jeffares of the 17th, Mullis of the 53rd, Jones of the 25th, Dugan of the 30th, Kennedy of the 18th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2 primaries and elections generally, so as to provide a definition; to revise the qualifying times
3 for municipal elections; to provide for the reopening of qualifications in municipal elections
4 under certain conditions; to prohibit certain activities within close proximity to polling
5 places; to amend Code Section 45-2-1 of the Official Code of Georgia Annotated, relating
6 to persons ineligible to hold office, vacation of office, and validity of acts performed while
7 in office, so as to authorize counties and municipalities to provide by local law for district
8 durational residency requirements; to provide for related matters; to provide an effective
9 date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
13 elections generally, is amended in Code Section 21-2-2, relating to definitions, by adding a
14 new paragraph to read as follows:

15 "(3.1) 'Campaign material' means any newspaper, booklet, pamphlet, card, sign,
16 paraphernalia, or any other written or printed matter referring to:

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

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

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

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

24 **SECTION 2.**

25 Said chapter is further amended in Code Section 21-2-132, relating to filing notice of
 26 candidacy, nomination petition, and affidavit; payment of qualifying fee; pauper's affidavit
 27 and qualifying petition for exemption from qualifying fee; and military service, by revising
 28 paragraph (3) of subsection (c) as follows:

29 "(3)(A) Each candidate for a nonpartisan municipal office or a designee shall file a
 30 notice of candidacy in the office of the municipal superintendent of such candidate's
 31 municipality during the municipality's nonpartisan qualifying period. Each municipal
 32 superintendent shall designate the days of such qualifying period, which shall be no less
 33 than three days and no more than five days. The days of the qualifying period shall be
 34 consecutive days. Nonpartisan qualifying periods shall commence no earlier than 8:30
 35 A.M. on the ~~last~~ third Monday in August immediately preceding the general election
 36 and shall end no later than 4:30 P.M. on the following Friday; and, in the case of a
 37 special election, the municipal nonpartisan qualifying period shall commence no earlier
 38 than the date of the call and shall end no later than 25 days prior to the election; ~~and~~.
 39 (B) In any case in which no individual has filed a notice of candidacy and paid the
 40 prescribed qualifying fee to fill a particular office in a nonpartisan municipal election,
 41 the governing authority of the municipality shall be authorized to reopen qualifying for
 42 candidates at 9:00 A.M. on the Monday next following the close of the preceding
 43 qualifying period and cease such qualifying at 5:00 P.M. on the Tuesday immediately
 44 following such Monday, notwithstanding the fact that such days may be legal holidays;
 45 and"

46 **SECTION 3.**

47 Said chapter is further amended by revising paragraph (3) of subsection (d) of Code
 48 Section 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit;
 49 payment of qualifying fee; pauper's affidavit and qualifying petition for exemption from
 50 qualifying fee; and military service, as follows:

51 "(3) Each candidate for municipal office or a designee shall file a notice of candidacy in
 52 the office of the municipal superintendent of such candidate's municipality during the
 53 municipality's qualifying period. Each municipal superintendent shall designate the days
 54 of the qualifying period, which shall be no less than three days and no more than five
 55 days. The days of the qualifying period shall be consecutive days. Qualifying periods
 56 shall commence no earlier than 8:30 A.M. on the ~~last~~ third Monday in August
 57 immediately preceding the general election and shall end no later than 4:30 P.M. on the
 58 following Friday; and, in the case of a special election, the municipal qualifying period

59 shall commence no earlier than the date of the call and shall end no later than 25 days
60 prior to the election; and".

61 **SECTION 4.**

62 Said chapter is further amended by revising subsection (a) of Code Section 21-2-414, relating
63 to restrictions on campaign activities and public opinion polling within the vicinity of a
64 polling place, cellular phone use prohibited, prohibition of candidates from entering certain
65 polling places, and penalty, as follows:

66 "(a) No person shall solicit votes in any manner or by any means or method, nor shall any
67 person distribute or display any campaign literature, newspaper, booklet, pamphlet, card,
68 sign, paraphernalia, or any other written or printed matter of any kind material, nor shall
69 any person solicit signatures for any petition or conduct any exit poll or public opinion poll
70 with voters on any day in which ballots are being cast:

- 71 (1) Within 150 feet of the outer edge of any building within which a polling place is
72 established;
- 73 (2) Within any polling place; or
- 74 (3) Within 25 feet of any voter standing in line to vote at any polling place.

75 These restrictions shall not apply to conduct occurring in private offices or areas which
76 cannot be seen or heard by such electors."

77 **SECTION 5.**

78 Code Section 45-2-1 of the Official Code of Georgia Annotated, relating to persons ineligible
79 to hold office, vacation of office, and validity of acts performed while in office, is amended
80 by revising paragraph (1) as follows:

81 "(1) Persons who are not citizens of this state and persons under the age of 21 years;
82 provided, however, that upon passage of appropriate local ordinances, citizens of this
83 state who are otherwise qualified and who have attained 18 years of age shall be eligible
84 to hold any county or municipal office, except such offices of a judicial nature. The
85 residency requirement for a candidate for any county office, except offices of a judicial
86 nature, shall be 12 months residency within the county. The residency requirement for
87 a candidate for any municipal office, except offices of a judicial nature, shall be 12
88 months residency within the municipality; provided, however, that municipalities may
89 by charter provide for lesser residency requirements for candidates for municipal office,
90 except offices of a judicial nature. Notwithstanding anything in this paragraph to the
91 contrary, the General Assembly may provide by local law for a period of district
92 residency for candidates for any county or municipal governing authority or board of
93 education who are elected from districts not to exceed 12 months residency within the

94 district from which each such candidate seeks election. Any local law previously enacted
95 by the General Assembly providing for a period of district residency for candidates for
96 county or municipal office which does not exceed 12 months shall be granted full force
97 and effect;”

98 **SECTION 6.**

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

101 **SECTION 7.**

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