

A BILL TO BE ENTITLED

AN ACT

1 To provide for furnishing of certain information regarding driver's license or personal  
2 identification card holders by the Department of Motor Vehicle Safety to boards of jury  
3 commissioners; to amend Code Section 15-12-40 of the Official Code of Georgia Annotated,  
4 relating to compilation, maintenance, and revision of jury list, so as to provide for furnishing  
5 and use of information; to amend Code Section 40-5-2 of the Official Code of Georgia  
6 Annotated, relating to keeping of records of applications for licenses and information on  
7 licensees and furnishing of information, so as to provide for furnishing and use of  
8 information; to provide for an implementation date; to provide for related matters; to provide  
9 for effective dates; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 PART I

12 SECTION 1-1.

13 Code Section 15-12-40 of the Official Code of Georgia Annotated, relating to compilation,  
14 maintenance, and revision of jury list, is amended by striking paragraph (1) of subsection (a)  
15 and inserting in lieu thereof the following:

16 "(1) At least biennially, unless otherwise directed by the chief judge of the superior court,  
17 the board of jury commissioners shall compile, maintain, and revise a trial jury list of  
18 upright and intelligent citizens of the county to serve as trial jurors and a grand jury list  
19 of the most experienced, intelligent, and upright citizens of the county to serve as grand  
20 jurors. In composing the trial jury list, the board of jury commissioners shall select a  
21 fairly representative cross section of the intelligent and upright citizens of the county. In  
22 composing the grand jury list, the board of jury commissioners shall select a fairly  
23 representative cross section of the most experienced, intelligent, and upright citizens of  
24 the county. In carrying out revisions of the trial jury list and grand jury list on or after

7 periodically make such a list available to the board of jury commissioners of each  
8 county;

9 (B) The registered voters list in the county; and

10 (C) Any other list of persons resident in the county as may be deemed appropriate by  
11 the board of jury commissioners.

12 The Department of Motor Vehicle Safety shall provide a list, which includes the name,  
13 address, date of birth, gender, driver's license or personal identification card number  
14 issued pursuant to the provisions of Chapter 5 of Title 40, and, whenever racial and ethnic  
15 information is collected by the Department of Motor Vehicle Safety for purposes of voter  
16 registration pursuant to Code Section 21-2-221, racial and ethnic information, to the  
17 board of jury commissioners of each county. No jury list compiled prior to July 1, 2000,  
18 the effective date of this paragraph shall be rendered invalid by the use of or a failure to  
19 make use of the sources specified in this Code section; but each revision of the jury list  
20 on or after that date shall make use of all such sources to the extent actually available to  
21 the board of jury commissioners."

#### 22 SECTION 1-2.

23 Code Section 40-5-2 of the Official Code of Georgia Annotated, relating to keeping of  
24 records of applications for licenses and information on licensees and furnishing of  
25 information, is amended in subsection (f) by striking "and" at the end of paragraph (5),  
26 striking the period and inserting "; and" in lieu thereof at the end of paragraph (6), and  
27 inserting a new paragraph (7) to read as follows:

28 "(7) The lists required to be made available to boards of jury commissioners pursuant to  
29 Code Section 15-12-40 regarding county residents who are the holders of drivers'  
30 licenses or personal identification cards issued pursuant to Chapter 5 of Title 40. Such  
31 lists shall identify each such person by name, address, date of birth, gender, driver's  
32 license or personal identification card number issued pursuant to the provisions of this  
33 chapter, and, whenever racial and ethnic information is collected by the department for  
34 purposes of voter registration pursuant to Code Section 21-2-221, by racial or ethnic  
35 group."

5 and inserting in lieu thereof the following:

6 "(1) At least biennially, unless otherwise directed by the chief judge of the superior court,  
7 the board of jury commissioners shall compile, maintain, and revise a trial jury list of  
8 upright and intelligent citizens of the county to serve as trial jurors and a grand jury list  
9 of the most experienced, intelligent, and upright citizens of the county to serve as grand  
10 jurors. In composing the trial jury list, the board of jury commissioners shall select a  
11 fairly representative cross section of the intelligent and upright citizens of the county. In  
12 composing the grand jury list, the board of jury commissioners shall select a fairly  
13 representative cross section of the most experienced, intelligent, and upright citizens of  
14 the county. In carrying out revisions of the trial jury list and grand jury list on or after  
15 July 1, ~~2000~~ 2002, the board of jury commissioners shall make use of all of the following:

16 (A) A list of all residents of the county who are the holders of drivers' licenses or  
17 personal identification cards issued by the ~~Georgia Department of Public Safety~~  
18 Department of Motor Vehicle Safety pursuant to the provisions of ~~Article 5~~ of Chapter  
19 5 of Title 40; and the Department of ~~Public~~ Motor Vehicle Safety shall periodically  
20 make such a list available to the board of jury commissioners of each county;

21 (B) The registered voters list in the county; and

22 (C) Any other list of persons resident in the county as may be deemed appropriate by  
23 the board of jury commissioners.

24 The Department of Motor Vehicle Safety shall provide a list, which includes the name,  
25 address, date of birth, gender, driver's license or personal identification card number  
26 issued pursuant to the provisions of Chapter 5 of Title 40, and, whenever racial and ethnic  
27 information is collected by the Department of Motor Vehicle Safety for purposes of voter  
28 registration pursuant to Code Section 21-2-221, racial and ethnic information, to the  
29 board of jury commissioners of each county. No jury list compiled prior to July 1, ~~2000~~  
30 2002, shall be rendered invalid by the use of or a failure to make use of the sources  
31 specified in this Code section; but each revision of the jury list on or after that date shall  
32 make use of all such sources to the extent actually available to the board of jury  
33 commissioners."

5 (b) Each provision amended in Part II of this Act shall become effective and supersede that  
6 respective provision amended in Part I of this Act on July 1, 2002.

7 **SECTION 3-2.**

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

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 for the promulgation of rules and  
3 regulations by the Secretary of State; to provide for different qualifying and election dates,  
4 write-in candidacy dates, and related procedures for the general primary and general election  
5 in the even-numbered year immediately following the official release of the United States  
6 decennial census data to the states for the purpose of redistricting of the legislatures and the  
7 United States House of Representatives; to authorize certain political bodies to nominate  
8 candidates for the United States House of Representatives by convention without additional  
9 nominating petitions; to provide for qualifications for such political bodies; to provide for  
10 time for holding of political body conventions in the even-numbered year immediately  
11 following the official release of the United States decennial census data to the states for the  
12 purpose of redistricting of the legislatures and the United States House of Representatives;  
13 to provide for qualifying by political party candidates for nomination to federal and state  
14 offices under rules and regulations promulgated by the Secretary of State; to provide that in  
15 any general primary where an unopposed candidate is seeking party nomination for a public  
16 office, where such candidate's name appears on the primary ballot but such candidate fails  
17 to receive a single vote, such candidate shall not be nominated for such public office and  
18 such party shall not have a candidate for that public office on the ballot in the ensuing  
19 general election; to change certain provisions relating to procedures as to unopposed  
20 candidates; to provide for poll closing times; to provide definitions; to provide for related  
21 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 SECTION 1.

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

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6 relating to powers and duties of the Secretary of State, to read as follows:

7 "(c) The Secretary of State is authorized to formulate, adopt, and promulgate such rules  
8 and regulations, consistent with law, as are necessary or conducive to the fulfillment of the  
9 duties of the Secretary of State as set forth in this chapter."

10 **SECTION 3.**

11 Said chapter is further amended by striking Code Section 21-2-130, relating to procedures  
12 for qualification of candidates generally, in its entirety and inserting in lieu thereof a new  
13 Code Section 21-2-130 to read as follows:

14 "21-2-130.

15 Candidates may qualify for an election by virtue of:

- 16 (1) Nomination in a primary conducted by a political party;
- 17 (2) Filing a nomination petition either as an independent candidate or as a nominee of  
18 a political body, if duly certified by the chairperson and the secretary of the political body  
19 as having been nominated in a duly constituted political body convention as prescribed  
20 in Code Section 21-2-172;
- 21 (3) Nomination for a state-wide office or member of the United States House of  
22 Representatives by a duly constituted political body convention as prescribed in Code  
23 Section 21-2-172 if the political body making the nomination has qualified to nominate  
24 candidates ~~for state-wide public office~~ under the provisions of Code Section 21-2-180;
- 25 (4) In the case of an election for presidential electors, nomination as prescribed by rules  
26 of a political party;
- 27 (5) Substitute nomination by a political party or body as prescribed in Code Sections  
28 21-2-134 and 21-2-155, respectively;
- 29 (6) Candidacy in a special election as prescribed in subsection (e) of Code Section  
30 21-2-132; or
- 31 (7) Being an incumbent qualifying as a candidate to succeed such incumbent as  
32 prescribed in subsection (e) of Code Section 21-2-132."

33 **SECTION 4.**

6 nominees of political parties for the office of presidential elector shall be placed on the  
7 election ballot without their filing the notice of candidacy otherwise required by this Code  
8 section.

9 (b) Candidates seeking election in a nonpartisan election shall comply with the  
10 requirements of subsections (c) and (f) of this Code section, as modified by subsection (g)  
11 of this Code section, by the date prescribed and shall by the same date pay to the proper  
12 authority the qualifying fee prescribed by Code Section 21-2-131 in order to be eligible to  
13 have their names placed on the nonpartisan election ballots.

14 (c) Except as provided in subsection (i) of this Code section, all candidates seeking  
15 nomination election in a nonpartisan election shall file their notice of candidacy and pay  
16 the prescribed qualifying fee by the date prescribed in this subsection in order to be eligible  
17 to have their names placed on the nonpartisan election ballot by the Secretary of State or  
18 election superintendent, as the case may be, in the following manner:

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

26 (2) Each candidate for a county judicial office, a local school board office, or an office  
27 of a consolidated government, except those offices which on July 1, 2001, were covered  
28 by local Acts of the General Assembly which provided for election in a nonpartisan  
29 election without a prior nonpartisan primary, or the candidate's agent, desiring to have  
30 his or her name placed on the nonpartisan election ballot shall file notice of candidacy in  
31 the office of the superintendent no earlier than 9:00 A.M. on the fourth Monday in April  
32 immediately prior to the election and no later than 12:00 Noon on the Friday following  
33 the fourth Monday in April, notwithstanding the fact that any such days may be legal  
34 holidays.

35 (d) Except as provided in subsection (i) of this Code section, all political body and  
36 independent All other candidates shall file their notice of candidacy and pay the prescribed  
37 qualifying fee by the date prescribed in this subsection in order to be eligible to have their

7 prior to the election and no later than 12:00 Noon on the Friday following the fourth  
8 Monday in June in the case of a general election and no earlier than the date of the call  
9 of the election and no later than 25 days prior to the election in the case of a special  
10 election;

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

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

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

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

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

6 at least two weeks prior to the opening of the qualifying period.

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

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

17 (2) Seeking office in a special election;

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

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

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

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

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

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

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

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

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

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

7 and

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

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

12 (g) A pauper's affidavit may be filed in lieu of paying the qualifying fee otherwise  
13 required by this Code section and Code Sections 21-2-131 and 21-2-138 of any candidate  
14 who has filed a qualifying petition as provided for in subsection (h) of this Code section.

15 A candidate filing a pauper's affidavit instead of paying a qualifying fee shall under oath  
16 affirm his or her poverty and his or her resulting inability to pay the qualifying fee  
17 otherwise required. The form of the affidavit shall be prescribed by the Secretary of State  
18 and shall include a financial statement which lists the total income, assets, liabilities, and  
19 other relevant financial information of the candidate and shall indicate on its face that the  
20 candidate has neither the assets nor the income to pay the qualifying fee otherwise required.

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

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

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

6 seeking an office in a newly constituted constituency, the percentage figure shall be  
7 computed on the total number of registered voters in the constituency who would have  
8 been qualified to vote for such office had the election been held at the last general  
9 election and the signers of such petition shall be registered and eligible to vote in the  
10 election at which such candidate seeks to be elected;

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

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

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

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

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

7 within 180 days of the last day for filing the same; and

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

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

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

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

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

33 (B) Each candidate for a county judicial office, a local school board office, or an office  
34 of a consolidated government, except those offices which on July 1, 2001, were covered  
35 by local Acts of the General Assembly which provided for election in a nonpartisan  
36 election without a prior nonpartisan primary, or the candidate's agent, desiring to have  
37 his or her name placed on the nonpartisan election ballot shall file notice of candidacy

6 pay the prescribed qualifying fee by the date prescribed in this paragraph in order to be  
7 eligible to have their names placed on the general election ballot by the Secretary of State  
8 or election superintendent, as the case may be, in the following manner:

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

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

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

## 26 SECTION 5.

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

30 "(a) No person elected on a write-in vote shall be eligible to hold office unless notice of  
31 his or her intention of candidacy was filed and published no earlier than January 1 and no  
32 later than the Tuesday after the first Monday in September prior to the election for county,  
33 state, and federal elections; and no later than seven days after the close of the municipal  
34 qualifying period for municipal elections in the case of a general election; no earlier than  
35 January 1 and no later than the Tuesday after the first Monday in June in the case of a  
36 nonpartisan election for a state or county office which was not covered by a local Act of

7 purpose of redistricting of the legislatures and the United States House of Representatives;

8 or at least 20 or more days prior to a special election by the person to be a write-in  
9 candidate or by some other person or group of persons qualified to vote in the subject  
10 election, as follows:

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

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

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

19 **SECTION 6.**

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

22 "21-2-158.

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

28 **SECTION 7.**

29 Said chapter is further amended by striking in its entirety Code Section 21-2-291, relating  
30 to procedure as to unopposed candidates, and inserting in lieu thereof a new Code Section  
31 21-2-291 to read as follows:

32 "21-2-291.

33 Any other provision of law to the contrary notwithstanding, in the event there is no  
34 opposed candidate in a precinct in a special or general election, no special or general  
35 election shall be held in such precinct unless more than one write-in candidate has qualified

6 in the same manner as he or she certifies other candidates as elected pursuant to Code  
7 Section 21-2-493."

8 **SECTION 8.**

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

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

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

23 **SECTION 9.**

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

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

7 Wednesday in June, notwithstanding the fact that any such days may be legal holidays,  
8 and shall qualify in person or, in the case of illness or other providential cause as may be  
9 defined and determined by rule or regulation by the Secretary of State, by their agents  
10 with their respective political party in the state capitol under such rules and regulations  
11 as the Secretary of State may promulgate. In the case of a special primary, the candidate  
12 shall qualify no earlier than the date of the call for the special primary and no later than  
13 25 days prior to the date of such primary, and such qualifying period shall be open for a  
14 minimum of two and one-half days.

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

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

6 political body desiring to nominate its candidates qualifying with petitions by convention,  
7 and any political body desiring to nominate its candidates for state-wide public office or  
8 member of the United States House of Representatives by convention by virtue of  
9 qualifying under Code Section 21-2-180 shall, through its state executive committee, adopt  
10 rules and regulations in conformity with this Code section governing the holding of such  
11 conventions for the nomination of candidates for any state, district, or county office. Such  
12 rules and regulations shall be filed with the Secretary of State, and no amendment to such  
13 rules and regulations shall be effective unless filed with the Secretary of State at least 30  
14 days prior to the date of such convention. The state party or body chairperson of such  
15 political party or body and its secretary shall accompany the filing of such rules and  
16 regulations with their certificate certifying that the rules and regulations therein filed are  
17 a true and correct copy of the rules and regulations of the party pertaining to the  
18 nomination of candidates by the convention method."

19 "(e) A convention for the purpose of nominating candidates shall be held at least 150 days  
20 prior to the date on which the general election is conducted; provided, however, that, in the  
21 case of a general election held in the even-numbered year immediately following the  
22 official release of the United States decennial census data to the states for the purpose of  
23 redistricting of the legislatures and the United States House of Representatives, the  
24 convention shall be held at least 120 days prior to the date on which the general election  
25 is conducted."

#### 26 SECTION 11.

27 Said chapter is further amended by striking Code Section 21-2-180, relating to manner of  
28 qualification, in its entirety and inserting in lieu thereof a new Code Section 21-2-180 to read  
29 as follows:

30 "21-2-180.

31 Any political body which is duly registered as provided for in Code Section 21-2-110 is  
32 qualified to nominate candidates for state-wide public office or member of the United  
33 States House of Representatives by convention if:

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

6 senator; and

7 (B) Had its candidate for Governor or United States senator in at least two of the  
8 preceding three general elections receive at least 2 percent of the total votes cast in this  
9 state for the office of Governor or United States senator at such election."

10 **SECTION 12.**

11 Said chapter is further amended by striking Code Section 21-2-181, relating to filing of  
12 petitions generally, in its entirety and inserting in lieu thereof a new Code Section 21-2-181  
13 to read as follows:

14 "21-2-181.

15 Petitions to qualify political bodies to nominate candidates for state-wide public office o  
16 member of the United States House of Representatives by convention shall be filed with  
17 the Secretary of State and shall be signed by voters in the manner provided in this part.  
18 Such petitions shall provide sufficient space for the printing of the voter's name and for the  
19 voter's signature. No forms other than those prescribed in this part shall be used for  
20 qualifying a political body to nominate candidates for public office."

21 **SECTION 13.**

22 Said chapter is further amended by striking Code Section 21-2-184, relating to restriction on  
23 amendment or supplementation, in its entirety and inserting in lieu thereof a new  
24 Code Section 21-2-184 to read as follows:

25 "21-2-184.

26 A petition to qualify a political body to nominate candidates for state-wide public office  
27 or member of the United States House of Representatives by convention shall not be  
28 amended or supplemented after its presentation to the Secretary of State for filing."

29 **SECTION 14.**

30 Said chapter is further amended by striking Code Section 21-2-186, relating to examination  
31 of petitions, in its entirety and inserting in lieu thereof a new Code Section 21-2-186 to read  
32 as follows:

33 "21-2-186.

SECTION 15.

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

"21-2-187.

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

6 At all primaries and elections the polls shall be opened at 7:00 A.M. eastern standard time  
7 or eastern daylight time, whichever is applicable, and shall remain open continuously until  
8 ~~7:00~~ 8:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, at  
9 which time they shall be closed; provided, however, that, in all cities having a population  
10 of 300,000 or more according to the United States decennial census of 1970 or any future  
11 ~~such census, the governing authority of a municipality may by ordinance or resolution~~  
12 provide that the polls in a municipal election that is not held in conjunction with a county,  
13 state, or federal election shall remain open continuously until close at 7:00 P.M. eastern  
14 standard time or eastern daylight time, whichever is applicable, during the cities' general  
15 elections, at which time they shall be closed."

#### 16 SECTION 17.

17 Said chapter is further amended by striking paragraph (3) of subsection (c) of Code Section  
18 21-2-435, relating to procedure as to marking and depositing of ballots, and inserting in lieu  
19 thereof a new paragraph (3) to read as follows:

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

#### 27 SECTION 18.

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

31 "(a) After the polls close at ~~7:00 P.M.~~ and as soon as all the ballots have been properly  
32 accounted for and those outside the ballot box as well as the voter's certificates, numbered  
33 list of voters, and electors list have been sealed, the poll officers shall open the ballot box  
34 and take therefrom all ballots contained therein. In primaries in which more than one ballot  
35 box is used, any ballots or stubs belonging to another party holding its primary in the same

6 one by one and a record made of the total number. Then the chief manager, together with  
7 such assistant managers and other poll officers as the chief manager may designate, under  
8 the scrutiny of one of the assistant managers and in the presence of the other poll officers,  
9 shall read aloud the names of the candidates marked or written upon each ballot, together  
10 with the office for which the person named is a candidate, and the answers contained on  
11 the ballots to the questions submitted, if any; and the other assistant manager and clerks  
12 shall carefully enter each vote as read and keep account of the same in ink on a sufficient  
13 number of tally papers, all of which shall be made at the same time. All ballots, after being  
14 removed from the box, shall be kept within the unobstructed view of all persons in the  
15 voting room until replaced in the box. No person, while handling the ballots, shall have  
16 in his or her hand any pencil, pen, stamp, or other means of marking or spoiling any ballot.  
17 The poll officers shall immediately proceed to canvass and compute the votes cast and shall  
18 not adjourn or postpone the canvass or computation until it shall have been fully  
19 completed, except that, in the discretion of the superintendent, the poll officers may stop  
20 the counting after all contested races and questions are counted, provided that the results  
21 of these contested races and questions are posted for the information of the public outside  
22 the polling place and the ballots are returned to the ballot box and deposited with the  
23 superintendent until counting is resumed on the following day."

24

**SECTION 19.**

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

27

**SECTION 20.**

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

6 political body desiring to nominate its candidates qualifying with petitions by convention,  
7 and any political body desiring to nominate its candidates for state-wide public office or  
8 member of the United States House of Representatives by convention by virtue of  
9 qualifying under Code Section 21-2-180 shall, through its state executive committee, adopt  
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19 "(e) A convention for the purpose of nominating candidates shall be held at least 150 days  
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21 case of a general election held in the even-numbered year immediately following the  
22 official release of the United States decennial census data to the states for the purpose of  
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6 senator; and

7 (B) Had its candidate for Governor or United States senator in at least two of the  
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14 Noon on the Friday following the fourth Monday in June as prescribed in Code Section  
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18 general election ballot; provided, further, that, for general elections held in the  
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20 decennial census data to the states for the purpose of redistricting of the legislatures and  
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24 election and no later than 12:00 Noon on the Friday following the last Monday in July as  
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26 qualifying petition no later than 12:00 Noon on the first Monday in August following the  
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7 or eastern daylight time, whichever is applicable, and shall remain open continuously until  
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9 which time they shall be closed; provided, however, that, in all cities having a population  
10 of ~~300,000 or more according to the United States decennial census of 1970 or any future~~  
11 ~~such census,~~ the governing authority of a municipality may by ordinance or resolution  
12 provide that the polls in a municipal election that is not held in conjunction with a county,  
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#### 27 SECTION 18.

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31 "(a) After the polls close at ~~7:00 P.M.~~ and as soon as all the ballots have been properly  
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34 and take therefrom all ballots contained therein. In primaries in which more than one ballot  
35 box is used, any ballots or stubs belonging to another party holding its primary in the same

6 one by one and a record made of the total number. Then the chief manager, together with  
7 such assistant managers and other poll officers as the chief manager may designate, under  
8 the scrutiny of one of the assistant managers and in the presence of the other poll officers,  
9 shall read aloud the names of the candidates marked or written upon each ballot, together  
10 with the office for which the person named is a candidate, and the answers contained on  
11 the ballots to the questions submitted, if any; and the other assistant manager and clerks  
12 shall carefully enter each vote as read and keep account of the same in ink on a sufficient  
13 number of tally papers, all of which shall be made at the same time. All ballots, after being  
14 removed from the box, shall be kept within the unobstructed view of all persons in the  
15 voting room until replaced in the box. No person, while handling the ballots, shall have  
16 in his or her hand any pencil, pen, stamp, or other means of marking or spoiling any ballot.  
17 The poll officers shall immediately proceed to canvass and compute the votes cast and shall  
18 not adjourn or postpone the canvass or computation until it shall have been fully  
19 completed, except that, in the discretion of the superintendent, the poll officers may stop  
20 the counting after all contested races and questions are counted, provided that the results  
21 of these contested races and questions are posted for the information of the public outside  
22 the polling place and the ballots are returned to the ballot box and deposited with the  
23 superintendent until counting is resumed on the following day."

24 **SECTION 19.**

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

27 **SECTION 20.**

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

4/13/01



FROM: Chief Judge Blackburn

TO:

Bill Martin

Here is another copy  
of my 3/19/01 memo and  
a summary of the vote.

YJB