

House Bill 1305

By: Representative Clark of the 108th

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 revise provisions relating to advance voting; to
3 extend the period of mandatory advance voting; to revise the time for holding runoffs in
4 general and primary elections; to provide for related matters; to repeal conflicting laws; and
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
9 elections generally, is amended by revising subsection (d) of Code Section 21-2-385, relating
10 to procedure for voting by absentee ballot and advance voting, as follows:

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

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

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

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

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

17 other than observed state holidays, during such period. Voting and shall also be
18 conducted on the second and third Saturdays prior to a primary, election, or runoff during
19 the hours of 9:00 A.M. through 5:00 P.M. and, if the registrar or absentee ballot clerk so
20 chooses, the second Sunday, the third Sunday, or both the second and third Sundays prior
21 to a primary or election during hours determined by the registrar or absentee ballot clerk,
22 but no longer than 7:00 A.M. through 7:00 P.M.; provided, however, that, if In the event
23 that: (1) Such such second or third Saturday is a public and legal holiday pursuant to
24 Code Section 1-4-1; if such (2) Such second or third Saturday follows a public and legal
25 holiday occurring on the Thursday or Friday immediately preceding such second or third
26 Saturday; or if such (3) Such second or third Saturday immediately precedes a public
27 and legal holiday occurring on the following Sunday or Monday, such advance voting
28 shall not be held on such second Saturday but shall be held on the third Saturday at least
29 two Saturdays prior to such primary, or election, or runoff beginning at 9:00 A.M. and
30 ending at 5:00 P.M.; provided, however, that if all such Saturdays are public and legal
31 holidays, immediately precede a public and legal holiday, or are immediately followed
32 by a public and legal holiday as outlined in this subsection, then advance voting shall be
33 conducted on such Saturdays beginning at 9:00 A.M. and ending at 5:00 P.M.,
34 notwithstanding the earlier provisions of this subsection. If the registrar or absentee
35 ballot clerk so chooses, advance voting may also be conducted on the second Sunday, the
36 third Sunday, or both the second and third Sundays prior to a primary, election, or runoff
37 during hours determined by the registrar or absentee ballot clerk, but no longer than from
38 7:00 A.M. through 7:00 P.M. Except as otherwise provided in this paragraph, the
39 registrars may extend the hours for voting to permit advance voting from 7:00 A.M. until
40 through 7:00 P.M. and may provide for additional voting locations pursuant to Code
41 Section 21-2-382 to suit the needs of the electors of the jurisdiction at their option;
42 provided, however, that voting shall occur only on the days specified in this paragraph

43 and counties and municipalities shall not be authorized to conduct advance voting on any
44 other days.

45 (2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice
46 to the electors of their jurisdiction of the availability of advance voting as well as the
47 times, dates, and locations at which advance voting will be conducted. In addition, the
48 registrars or absentee ballot clerk shall notify the Secretary of State in the manner
49 prescribed by the Secretary of State of the times, dates, and locations at which advance
50 voting will be conducted.

51 (3) The board of registrars shall publish the dates, times, and locations of the availability
52 of advance voting in its jurisdiction on the homepage of the county's publicly accessible
53 website associated with elections or registrations, or if the county does not have such a
54 website, in a newspaper of general circulation, and by posting in a prominent location in
55 the county, no later than 14 days prior to the beginning of the advance voting period for
56 a general primary, special primary, general election, or special election and no later than
57 seven days prior to the beginning of the advance voting period for any run-off election.
58 Any new advance voting locations added after that deadline shall be published in the
59 same manner as soon as possible. The board of registrars shall not remove any advance
60 voting location after the notice of such location is published, except in the case of an
61 emergency or unavoidable event that renders a location unavailable for use. Any changes
62 that are made due to an emergency or unavoidable event after a notice of a location has
63 been published shall be published as soon as possible in the same manner set forth in this
64 paragraph."

65 **SECTION 2.**

66 Said chapter is further amended in Code Section 21-2-501, relating to number of votes
67 required for election and runoff, by revising subsection (a) as follows:

68 "(a)(1) Except as otherwise provided in this Code section, no candidate shall be
69 nominated for public office in any primary or special primary or elected to public office
70 in any election or special election or shall take or be sworn into such elected public office
71 unless such candidate shall have received a majority of the votes cast to fill such
72 nomination or public office. In instances where no candidate receives a majority of the
73 votes cast, a run-off primary, special primary runoff, run-off election, or special election
74 runoff between the candidates receiving the two highest numbers of votes shall be held.
75 Unless such date is postponed by a court order, such runoff shall be held on the
76 ~~twenty-eighth day after the day of holding the preceding~~ Tuesday of the sixth week
77 following such general or special primary or general or special election.

78 (2) If any candidate eligible to be in a runoff withdraws, dies, or is found to be ineligible,
79 the remaining candidates receiving the two highest numbers of votes shall be the
80 candidates in the runoff.

81 (3) The candidate receiving the highest number of the votes cast in such run-off primary,
82 special primary runoff, run-off election, or special election runoff to fill the nomination
83 or public office sought shall be declared the winner.

84 (4) The name of a write-in candidate eligible for election in a runoff shall be printed on
85 the election or special election run-off ballot in the independent column.

86 (5) The run-off primary, special primary runoff, run-off election, or special election
87 runoff shall be a continuation of the primary, special primary, election, or special election
88 for the particular office concerned. Only the electors who are duly registered to vote and
89 not subsequently deemed disqualified to vote in the runoff for candidates for that
90 particular office shall be entitled to vote therein, and only those votes cast for the persons
91 designated as candidates in such run-off primary, special primary runoff, run-off election,
92 or special election runoff shall be counted in the tabulation and canvass of the votes cast.
93 No elector shall vote in a run-off primary or special primary runoff in violation of Code
94 Section 21-2-224."

95

SECTION 3.

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