



Georgia Secretary of State

ELECTIONS DIVISION

Candidate Guide:

Information for
County, State, and
Federal Candidates



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INTRODUCTION

This Candidate Training Guide provides an overview of Georgia election laws which apply to candidates and public office holders qualifying and participating in Primary and General Elections. Each section highlights pertinent laws governing the election process including information on the Ethics in Government Act, voter registration, and campaign activities. This Guide is available as a reference manual and is not intended to be an exhaustive explanation of complex election law.

Anyone interested in becoming a candidate or who is a current officeholder is responsible for fully exploring the legal requirements to qualify and hold public office. If you have any questions regarding the voter registration or election process, please feel free to call the Elections Division of the Office of the Secretary of State at (404) 656-2871 or visit www.sos.ga.gov/elections.

If you have questions regarding the Ethics in Government Act (O.C.G.A. § 21-5-1 et seq.), lobbyist registration and disclosure of expenditures, or the Vendor Disclosure Law of 1996 (O.C.G.A. § 45-1-6), you should contact the Georgia Government Transparency and Campaign Finance Commission or visit www.ethics.ga.gov.

All citations contained in this document are to the Official Code of Georgia, Annotated (O.C.G.A.), and may be accessed free of charge at www.lexis-nexis.com/hottopics/gacode.

PREFACE

This manual is not intended to be used as a substitute for the Georgia Constitution, relevant statutes, or applicable case law. Whenever there is a question regarding the interpretation of information contained in this handbook, or of a particular section of the Election Code, or any other statute, the user should contact competent legal counsel.

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Elections

Candidate

Guide

QUALIFYING FOR OFFICE

The requirements for qualifying for and holding a public office are contained in the Constitution of the State of Georgia, the Official Code of Georgia, Annotated, and in the Georgia Laws. The location of the particular law containing the qualifications for the office sought depends on the office. Qualifications for most state offices, including the Constitutional Officers, Members of the General Assembly, and State Judicial Offices are contained in the State Constitution. Qualifications for county offices are generally established through local legislation contained in the Georgia Laws. You will need to refer to the law relating to the particular office you are seeking to determine the qualifications for holding the office. You may also review the Qualifications and Disqualifications for Holding State and County Elective Offices in the State of Georgia at http://sos.georgia.gov/elections/elections/candidate_information/qualguide.pdf.

Qualifying Fee (O.C.G.A. § 21-2-131):

County Offices: The governing authority of each county shall, no later than February 1 of any year in which a general primary, nonpartisan election or general election is held, fix and publish the qualifying fee for each county office. The fee shall be 3% of the total gross salary of the office paid in the preceding calendar year. This includes all supplements authorized by law, if a salaried office.

Special Elections: The governing authority of each county shall, at least 35 days prior to the date the special primary or special election is held, fix and publish the qualifying fee for each county office. The fee shall be 3% of the total gross salary of the office paid in the preceding calendar year. This includes all supplements authorized by law, if a salaried office.

For the offices of clerk of the superior court, judge of the probate court, sheriff, tax commissioner, and magistrate, the qualifying fee shall be 3% of the minimum salary specified by statute, exclusive of supplements, cost-of-living increases, and longevity increases.

For the office of members of the county governing authority, the fee shall be 3% of the base salary as established by the local act. This is exclusive of compensation supplements for training and cost of living adjustments provided for by statute.

If the office is not a salaried office, the fee shall be set by the governing authority not to exceed 3% of the income derived from such county office by the person holding the office the preceding year.

State and Federal Offices: The Secretary of State shall fix and publish the qualifying fee for each federal and state office within the same time frame referenced above. The fee shall be 3% of the annual salary of the office, if a salaried office. The fee for members of the General Assembly shall be \$400. If not a salaried office, a reasonable fee shall be set by the Secretary of State; such fee shall not exceed 3% of the income derived from such office by the person holding the office for the preceding year. The qualifying fee is paid at the time of qualifying. A pauper's affidavit and qualifying petition may be filed in lieu of paying a qualifying fee. See O.C.G.A. § 21-2-132(g) and O.C.G.A. § 21-2-132(h).

A candidate is subject to automatic disqualification in the event that the candidate pays his or her qualifying fee with a check that is returned for insufficient funds. See O.C.G.A. 21-2-6 (d); see also SEB Rule 183-1-10-.01.

Where to Qualify (O.C.G.A. § 21-2-131):

County Offices: Candidates for partisan county offices, which will appear on the primary ballot, pay their fee to and qualify with, the county political party of their choice. If there is no political party qualifying agent in a county, the county election superintendent shall qualify candidates on behalf of such party. Candidates for nonpartisan offices, independent candidates, and political body candidates pay their fee to and qualify with the election superintendent in their county.

State and Federal Offices: Candidates for partisan state offices, which will appear on the primary ballot, pay their fee to and qualify with, the state political party of their choice. Candidates for nonpartisan state offices, independent candidates, and political body candidates pay their fee to and qualify with the Office of Secretary of State.

When to Qualify for General Primaries and/or General Elections held in even-numbered years 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 (O.C.G.A. § 21-2-132 (i) and O.C.G.A. § 21-2-153 (c)(1)):

Political Party Candidates: Candidates seeking nomination in a primary shall file their declaration of candidacy and pay their qualifying fee no earlier than 9:00 a.m. on the Wednesday immediately following the third Monday in May immediately prior to such primary and shall cease at 12:00 noon on the Friday immediately following the Wednesday immediately following the third Monday in May. Declarations of Candidacy forms are available from the county election superintendent and the Secretary of State's website under the information for candidates tab at http://www.sos.ga.gov/elections/candidate_information.htm.

Qualifying Opens: 9:00 a.m. - Wednesday immediately following the third Monday in May immediately prior to such primary (May 23, 2012).

Qualifying Closes: 12:00 p.m. - Friday immediately following the Wednesday immediately following the third Monday in May (May 25, 2012)

Nonpartisan Candidates: A candidate desiring to have his or her name placed on the nonpartisan election ballot shall file a Notice of Candidacy and pay his or her qualifying fee no earlier than 9:00 a.m. on the Wednesday immediately following the third Monday in May immediately prior to such primary and shall cease at 12:00 noon on the Friday immediately following the Wednesday immediately following the third Monday in May. Notice of Candidacy forms are available from the county election superintendent and the Secretary of State's website under the information for candidates tab at http://www.sos.ga.gov/elections/candidate_information.htm.

Qualifying Opens: 9:00 a.m. - Wednesday immediately following the third Monday in May immediately prior to such primary (May 23, 2012)

Qualifying Closes: 12:00 p.m. - Friday immediately following the Wednesday immediately following the third Monday in May (May 25, 2012)

Independent and Political Body Candidates: Independent and political body candidates file their Notice of Candidacy and pay their qualifying fee no earlier than 9:00 a.m. on the last Monday in July and not later than 12:00 p.m. on the Friday following the last Monday in July. Notice of Candidacy forms are available from the county election superintendent and the Secretary of State's website under the information for candidates tab at http://www.sos.ga.gov/elections/candidate_information.htm

Qualifying Opens: 9:00 a.m. - last Monday in July (July 30, 2012)

Qualifying Closes: 12:00 p.m. - Friday following the last Monday in July (August 3, 2012)

Independent candidates and political body candidates who are required to file nomination petitions are required to do so no earlier than the last Monday in July and not later than the first Monday in August immediately prior to the general election. Candidates required to file nomination petitions must file their petitions with the same officials with whom they qualify. Such candidates should contact their county election superintendent, if qualifying for a county office, or the Secretary of State's office, if qualifying for a federal or state office, to obtain information regarding the number of required signatures on their nomination petition.

Not Earlier Than: 9:00 a.m. - last Monday in July (July 30, 2012)

Not Later Than: 12:00 p.m. - first Monday in August immediately prior to the general election (August 6, 2012)

Write-In Candidates (O.C.G.A. § 21-2-133):

An individual is not eligible to hold office as a write-in candidate unless notice of his or her intention of candidacy was filed and published during the following time period:

Federal, State, and County Election: no earlier than January 1 and no later than the Tuesday following the first Monday in September prior to the election for county, state, and federal elections

Nonpartisan Offices for State or County Elections: no later than seven days after the close of the qualifying period

Special Election: no earlier than January 1 and no later than seven days after the close of the special election qualifying period

An individual is not eligible to hold office as a write-in candidate unless notice of his or her intention of candidacy was filed and published as follows:

Federal and State Offices: Publication of the intention to be a write-in candidate must be in a paper of general circulation in the State, and the notice shall be filed with the Secretary of State.

County Offices: Publication shall be in the official organ of the county and the notice shall be filed with the county superintendent of elections.

Within five days after the deadline for filing and publishing of the notice, the write-in candidate shall file with the appropriate official a copy of the notice as published, accompanied by a publisher's affidavit that the notice has been published including the name of the newspaper and the date of publication. The affidavit may be made by the person giving the notice of intention of candidacy, by the publisher of the newspaper in which the notice was published, or by an employee of the newspaper designated by the publisher.

Individuals may only qualify as a write-in candidate for a general or special election. No write-in candidates may qualify for general or special primaries. No person shall be eligible as a write-in candidate in a special or general primary, a special or general primary runoff, or in a special or general election runoff.

No person shall be eligible as a write-in candidate in a general or special election if such person was a candidate for nomination or election to the same office in the immediately preceding primary.

The Notice of Intention forms for write-in candidates are available from the county election superintendent and the Secretary of State website at http://www.sos.ga.gov/elections/candidate_information.htm.

NOTE: As the term "write-in" implies, the names of qualified write-in candidates are not printed on the special or general election ballot. A write-in space is provided on the ballot. In the event that no candidate in the election receives a majority of the total votes cast for such office, and the write-in candidate is one of the candidates receiving the two highest numbers of votes, then the name of the write-in candidate would appear on the runoff ballot.

Write-in candidates are subject to the same campaign disclosure reporting requirements under the Ethics in Government Act (O.C.G.A. § 21-5-1 through 21-5-76) as all other candidates.

ABSENTEE BALLOTING
(O.C.G.A. § 21-2-381- O.C.G.A. § 21-2-386)

For information regarding the absentee balloting procedures and process, please reference the Absentee Voters Guide (Absentee Voting: A Guide for Registered Voters). The guide can be accessed with the following link:

http://www.sos.ga.gov/elections/elections/candidate_information/Absentee%20Voting%20%20A%20Guide%20for%20Registered%20Voters.pdf

APPOINTMENT AND DUTIES OF POLL WATCHERS (O.C.G.A. § 21-2-408)

Qualifications of Poll Watchers:

No person shall be appointed or be eligible to serve as a poll watcher in any primary or election in which such person is a candidate.

Designation of Poll Watchers - Primary and Primary Runoff:

In a primary or primary runoff, candidates are entitled to submit the name of one poll watcher for each precinct and each early voting location in which he or she wishes to have an observer. The names must be submitted to the executive committee of the political party with which the candidate qualified. In the case of a primary, the names are to be submitted at least twenty-one days prior to the date of the primary and in the case of a runoff at least fourteen days prior to the date of the runoff.

The executive committee of each party, at least seven days prior to the primary or runoff, shall designate two poll watchers, from the list of names submitted by the candidates, to serve in each precinct and early voting location. There may be no more than two poll watchers from each political party present in a polling place at the same time.

The poll watchers so designated by the party officials shall be given a letter signed by the party chairperson and secretary containing the poll watcher's name, address, the name of the precinct, and the name and date of the primary, or runoff, in which the poll watcher is to serve.

At least three days prior to the beginning of early voting or the date of the primary or runoff, copies of the designation letters issued to the poll watchers by the party officials are to be delivered to the election superintendent of the county in which the poll watchers are to serve.

Designation of Poll Watchers - Election and Election Runoff:

At least seven days prior to an election or runoff election, political parties or body officials may designate two poll watchers per precinct. In addition, each independent and nonpartisan candidate running in the election shall be entitled to designate one poll watcher per precinct per candidate.

The poll watchers so designated by the political party and political body officials, or by the nonpartisan and independent candidates, shall be given a letter signed by the party chairperson and secretary, or nonpartisan or independent candidate, containing the poll watcher's name, address, the name of the precinct, and the name and date of the election, or runoff, in which the poll watcher is to serve.

At least three days prior to the date of the election or runoff, copies of the designation letters issued to the poll watchers by the political party, political body officials, nonpartisan and independent candidates, are to be delivered to the election superintendent of the county in which the poll watchers are to serve.

Statewide Poll Watchers:

At least fourteen days prior to an election or runoff election, political parties or political bodies with candidates for statewide office may designate up to twenty-five statewide poll watchers. In addition, each independent or nonpartisan candidate running in the election shall also be entitled to designate up to twenty-five official statewide poll watchers. All such designations of statewide poll watchers shall be in writing and made and submitted to the State Election Board. A statewide poll watcher shall have the same powers and duties as poll watchers and shall be entitled to watch the polls in any precinct in the state but shall otherwise be subject to all limitation and prohibitions placed on poll watchers. No more than two statewide poll watchers of a political party or body, of an independent candidate or of a nonpartisan candidate shall be in the same polling place simultaneously.

Each statewide poll watcher shall be given a letter signed by the chairperson of the State Election Board. Such letter shall contain the poll watcher's name, address, statement that such poll watcher is a statewide poll watcher and date of election, or runoff. At least three days prior to the election, a copy shall be delivered to the superintendent of each county in which the poll watcher might serve.

Early/Advance Voting Poll Watchers:

Each political party and body shall designate no more than two official poll watchers for each location at which advance voting is conducted at least seven days prior to the beginning of advance voting for a primary, election, or runoff. Each independent candidate and candidate running in a nonpartisan election shall be entitled to designate one poll watcher for each advance voting location.

The poll watchers so designated by the political party and political body officials, or by the nonpartisan and independent candidates, shall be given a letter signed by the party chairperson and secretary, or nonpartisan or independent candidate, containing the poll watcher's name, address, the name of the precinct, and the name and date of the election, or runoff, in which the poll watcher is to serve.

At least three days prior to the date of the early/advance voting period for the primary, election, or runoff, copies of the designation letters issued to the poll watchers by the political party, political body officials, nonpartisan and independent candidates, are to be delivered to the election superintendent and chief registrar of the county in which the poll watchers are to serve.

At least fourteen days prior to the beginning of the early/advance voting period for an election or runoff election, political parties or body officials with candidates for statewide office may designate no more than twenty-five statewide poll watchers. In addition, each independent candidate and candidate running in a statewide nonpartisan election shall also be entitled to designate no more than twenty-five official statewide poll watchers for such early/advance voting period. All such designations of statewide poll watchers shall be in writing and submitted to the State Election Board.

Each statewide poll watcher shall be given a letter signed by the chairperson of the State Election Board. Such letter shall contain the poll watcher's name, address, statement that such poll watcher is a statewide poll watcher and date of election or runoff. At least three days prior to the beginning of the early/advance voting period for such election, a copy shall be delivered to the superintendent and chief registrar of each county in which the poll watcher might serve.

Duties of the Election Superintendent:

The superintendent shall furnish a badge to each poll watcher bearing the words "Official Poll Watcher," the name of the poll watcher, the name and date of the primary or election in which the poll watcher is to serve and precinct or tabulating area in which the poll watcher is to serve. Poll watchers must wear their badges at all times during the performance of their duties.

Duties of Poll Watchers:

Poll watchers are permitted behind the enclosed space for the purpose of observing the conduct of the election, and the counting and recording of votes. Poll watchers are not to interfere with the conduct of the election, and the poll manager may make reasonable regulations to avoid such interference. If a poll watcher persists in interfering with the conduct of the election or is in violation of any of the provisions of the Official Code of Georgia after being warned by the poll manager or the election superintendent, the poll watcher may be removed by such official.

Poll watchers are prohibited from: talking to voters; checking the electors list (to see who has voted); participating in any other form of campaigning; using photographic or other electronic monitoring or recording devices; using cellular phones.

Any infractions or irregularities with respect to the conduct of the election observed by a poll watcher shall be reported directly to the election superintendent, not to the poll manager.

RESTRICTIONS ON CAMPAIGN ACTIVITIES (O.C.G.A. § 21-2-414)

As you know, Georgia law prohibits certain activities within the vicinity of any polling place. Accordingly, please remember the following pertinent restrictions related to activities within the vicinity of any polling place:

Cellular Telephones and Other Electronic Devices

No person shall use a cellular telephone or other electronic communication device once such person has been issued a ballot or, in the case of precincts using voting machines or electronic recording voting systems, once the person has entered the voting machine or voting enclosure or booth. This restriction does not apply to the use of cellular telephones by poll officials.

Exit Polling

Exit polling is permitted so long as it is done at least 25 feet from the building in which a polling place is located. Despite the 150 foot restriction on exit polling found in O.C.G.A. § 21-2-414, the injunction against the State of Georgia limiting the enforcement of O.C.G.A. § 21-2-414 with respect to exit polling remains in effect. See *NBC v. Cleland*, 697 F.Supp. 1204 (N.D. Ga. 1988).

Campaigning

The prohibition against other activities within the 150 foot area around the building in which the polling place is located will remain in effect pursuant to O.C.G.A. § 21-2-414(a). Any campaigning or other solicitation should not be permitted within this area.

Candidates in Polling Places

No person whose name appears as a candidate on the ballot being voted upon, except a judge of the probate court serving as the election superintendent, shall physically enter any polling place other than the polling place at which that person is authorized to cast his or her ballot for the election. A “polling place” includes any rooms under the control or supervision of the board of registrars or absentee ballot clerk in which absentee ballots are being cast.

After casting his or her ballot, the candidate shall not return to such polling place until after the poll has closed and voting has ceased unless the candidate needs to transact business with the board of registrars. Judges of the probate court serving as election superintendents shall enter polling places only as necessary to fulfill their duties as election superintendents and shall not engage in any practice prohibited by this Code section.

PROCEDURES FOR ORDERING VOTER FILE INFORMATION
(O.C.G.A. § 21-2-225)

Voter registration lists and files are available to candidates and to the public. The files contain the following information: voter name, residence address, mailing address if different, race, gender, year of birth, registration date, and last voting date. Pricing is set by the Secretary of State. Such data may not be used by any person for commercial purposes.

Voter registration lists and voter history files may be obtained from the Secretary of State at http://sos.georgia.gov/elections/voter_registration/voter_reg_lists.htm.

CHALLENGES TO QUALIFICATION OF CANDIDATES

County Offices (O.C.G.A. § 21-2-6):

All candidates certified for county offices by a county executive committee must meet the constitutional and statutory qualifications for holding the office sought.

The election superintendent may challenge the qualifications of any candidate for county office at any time prior to the election of the candidate.

In addition, within two weeks after the close of qualifying, any voter eligible to vote for such candidate may challenge the qualifications of a candidate. The challenge shall be in writing, and the voter must state the reason(s) why the voter believes the candidate is not qualified to hold the office he or she is seeking.

Upon the motion of the superintendent to challenge a candidate, or the filing of a challenge by a voter, the superintendent shall notify the candidate in writing that a challenge has been filed, the reasons stated for the challenge and that the superintendent is setting a hearing on the matter and will inform the candidate of the date, time and place of the hearing.

The superintendent shall determine if the candidate is qualified to seek and hold the public office for which such candidate is offering. If the superintendent determines that the candidate is not qualified, the superintendent shall withhold the name of the candidate from the ballot or strike such candidate's name from the ballot if the ballots have been printed. If there is insufficient time to strike the candidate's name or reprint the ballots, a prominent notice shall be placed at each affected polling place advising voters of the disqualification of the candidate and all votes cast for such candidate shall be void and shall not be counted.

In the event that a candidate pays his or her qualifying fee with a check that is subsequently returned for insufficient funds, the superintendent shall automatically find that such candidate has not met the qualifications for holding the office being sought. A written certification from the bank, credit union, or other financial institution returning the check that it erred in returning the check will prevent such an automatic finding so long as the certification is received by the superintendent within two weeks after the deadline for qualifying. See SEB Rule No. 183-1-10-.01(2).

Should the decision of the superintendent be appealed, the superintendent is required to provide a copy of the record of the proceedings to the court for judicial review. The judicial review is conducted by a judge without a jury and is confined to the record. No additional evidence or testimony is permitted. The court may affirm the decision of the superintendent or remand the case for further proceedings. The court may reverse or modify the decision of the superintendent.

Either aggrieved party may obtain a review of any final judgment of the superior court by the Court of Appeals or the Supreme Court, as provided by law.

Federal and State Office (O.C.G.A. § 21-2-5):

All candidates certified for federal or state offices by the state executive committee or who file a notice of candidacy shall meet the constitutional and statutory qualifications for holding the office sought.

The Secretary of State may challenge the qualifications of any candidate at any time prior to the election of such candidate.

In addition, within two weeks after the close of qualifying, any voter eligible to vote for such candidate may challenge the qualifications of a candidate. The challenge shall be in writing and the voter must state the reason(s) why the voter believes the candidate is not qualified to hold the office he or she is seeking.

Upon the motion of the Secretary of State to challenge a candidate, or the filing of a challenge by a voter, the Secretary of State shall notify the candidate in writing that a challenge has been filed, the reasons stated for the challenge and advise that a hearing before an administrative law judge has been requested on the matter, and that the candidate will be informed of the date, time and place of the hearing.

The Secretary of State shall make a determination as to whether the candidate is qualified to hold said office. The challenger or candidate has the right to appeal the decision of the Secretary of State by filing a petition in the Superior Court of Fulton County within ten days after the final decision is rendered. The Secretary of State is required to provide a copy of the record of the proceedings to the court for judicial review. The judicial review is conducted by a judge without a jury and is confined to the record. No additional evidence or testimony is permitted. The court may affirm the decision or remand the case for further proceedings. The court may reverse or modify the decision.

In the event that a candidate pays his or her qualifying fee with a check that is subsequently returned for insufficient funds, the Secretary of State shall automatically find that such candidate has not met the qualifications for holding the office being sought. A written certification from the bank, credit union, or other financial institution returning the check that it erred in returning the check will prevent such an automatic finding so long as the certification is received by the Secretary of State within two weeks after the deadline for qualifying. See SEB Rule No. 183-1-10-.01(1).

RECOUNTS (O.C.G.A. § 21-2-495)

The superintendent, on his or her own motion or upon petition of any candidate or political party, may order the recount of ballots for a particular precinct or precincts, for one or more offices in which it shall appear that a discrepancy or error, although not apparent on the face of the returns, has been made. The recount shall be held at any time prior to the certification of the consolidated returns by the superintendent. Before the recount is held, the superintendent must give notice in writing to each candidate and the county chairman of each party or body affected by the recount. Each candidate may be present in person at the recount, or be represented by one person. Each political party or body may send two representatives to be present at the recount. If the recount shows the original count was in error, the returns and all papers being prepared by the superintendent shall be corrected accordingly.

Candidates for a federal or state office (including candidates for a state house or state senate office) may petition the Secretary of State for a recount when it appears there is an error or discrepancy in the election results. At his or her discretion, the Secretary of State may order a recount in the county, or counties, encompassing the district.

NOTE: A recount, as described above, is at the discretion of the superintendent. Should a recount be requested by a losing candidate and there does not appear to be any errors on the face of the results, then the superintendent may refuse to recount the election.

Procedure for Recount:

Whenever the difference between the number of votes received by a candidate who has been declared nominated for an office at a primary or who has been declared elected to an office at an election, or who has been declared eligible for a runoff primary or election and the number of votes received by any other candidate or candidates not declared so nominated or elected is not more than 1% of the total votes cast for the office, any candidate or candidates receiving a sufficient number of votes so that the difference between his vote and that of the winning candidate is not more than 1% shall have the right to a recount, if such request is made in writing by the losing candidate within two business days following the certification of election results.

NOTE: Election results for elected county offices are certified by the county election superintendent. Certification of election results for elected federal and state offices is completed by the Secretary of State. A request for a recount under this procedure may not be accepted prior to the certification of the returns by the appropriate election official. It is recommended that the candidate contact the appropriate official to determine when the election results will be certified.

If the office sought is a federal or state office, including a state house or state senate office, the request for the recount is filed with the Secretary of State. The Secretary of State will then notify the county election superintendents in the districts involved in the request and a date and time will be set for the recount. If the office sought is a county office or if the office only involves one county, the request for the recount is filed with the county election superintendent.

If, as a result of a recount, the original count was incorrect, the returns and all papers shall be corrected and the corrected results recertified.

NUMBER OF VOTES REQUIRED TO WIN ELECTION (O.C.G.A. § 21-2-501)

For a candidate to be nominated in a primary or elected to office in state or county elections, the candidate must receive a majority of votes cast. In instances where no candidate receives a majority of votes cast in a primary or special election, a primary runoff or special election runoff between the candidates receiving the two highest numbers of votes shall be held. The primary runoff or special primary election runoff shall be held on the twenty-first day after the day of holding the preceding election. The general runoff or special election runoff shall be held on the twenty-eighth day after the day of holding the preceding election.

A runoff shall be considered a continuation of the primary or election for the particular office concerned, and only the electors who were entitled to vote in the primary or election for candidates for that particular office shall be entitled to vote.

CONTESTING AN ELECTION (O.C.G.A. § 21-2-520 - O.C.G.A. § 21-2-529)

An election contest must be filed within five days after the certification of the results of the primary, runoff, or election in question.

- (1) A result of a primary or election may be contested on one or more of the following grounds:
- (2) Misconduct, fraud, or irregularity by any primary or election official or officials sufficient to change or place in doubt the result;
- (3) When the defendant is ineligible for the nomination or office in dispute;
- (4) When illegal votes have been received or legal votes rejected at the polls sufficient to change or place in doubt the result;
- (5) For any error in counting the votes or declaring the result of the primary or election, if such error would change the result;
- (6) For any other cause which shows that another was the person legally nominated, elected, or eligible to compete in a runoff primary or election.

Filing of Petition to Contest an Election (O.C.G.A. § 21-2-524):

A petition to contest the result of a primary or election shall be filed in the office of the clerk of the superior court having jurisdiction within five days after the official consolidation of the returns of that particular office or question and certification thereof by the election official having responsibility for taking such action under this chapter or within five days after the official consolidation and certification of the returns of that particular office or question by the election official having responsibility for taking such action under this chapter and shall allege:

- (1) The contestant's qualification to institute the contest;
- (2) The contestant's desire to contest the result of such primary or election and the name of the nomination, office, or question involved in the contest;
- (3) The name of the defendant;
- (4) The name of each person who was a candidate at such primary or election for such nomination or office in the case of a contest involving the same;
- (5) Each ground of contest;
- (6) The date of the official declaration of the result in dispute;
- (7) The relief sought; and
- (8) Such other facts as are necessary to provide a full, particular, and explicit statement of the cause of contest.

The State Election Board shall be served with a copy of the petition, as provided in subsection (a) of this Code section, by serving the same on the chairperson thereof, by mailing a copy to the chairperson by certified or registered mail or statutory overnight delivery; and a certificate that such service had been made shall be filed by the plaintiff or his or her attorney.

GENERAL DISQUALIFICATIONS FOR HOLDING PUBLIC OFFICE

The following persons are ineligible to hold any civil office, and the existence of any of the following acts shall be sufficient reason for vacating any office held by such person, but the acts of such person while holding a commission, shall be valid as the acts of an officer defacto, namely:

- A. Persons who are not citizens of Georgia and persons under the age of 21 years, provided, however that upon passage of appropriate ordinances, citizens of this state who are otherwise qualified and who are 18 years old shall be eligible to hold any county, other than a judicial one.
- B. Persons who are the holders of public funds who have refused or failed to account for and pay over such funds to the proper officer.
- C. Persons holding any office of profit or trust under the government of the United States other than that of postmaster and officers and enlisted persons of the armed forces. Membership on any federal commission, panel or other fact-finding or policy making agency, where the appointment is temporary and the duties do not interfere materially with the person's duties as a public officer, shall not bar any person from holding office in this State or acceding to a State office.
- D. Persons of unsound mind and persons who, from advanced age or bodily infirmity, are unfit to discharge the duties of the office to which they are chosen or appointed.
- E. Persons who are not registered and qualified voters entitled to vote.
- F. Persons who have been convicted of a felony involving moral turpitude, unless that person's civil rights have been restored and at least 10 years have elapsed from the date of the completion of the sentence without subsequent conviction of another felony involving moral turpitude.
- G. Persons who are defaulters for any federal, state, county, municipal, or school system taxes required of such officeholder or candidate if such person has been finally adjudicated by a court of competent jurisdiction to owe those taxes, but such ineligibility may be removed at any time by full payment thereof, or by making payments to the tax authority pursuant to a payment plan, or under such other conditions as the General Assembly may provide by general law.
- H. Persons who have been convicted and sentenced in any court of competent jurisdiction for fraudulent violation of primary or election laws or malfeasance in office unless such person's civil rights have been restored.
- I. Persons who are constitutionally disqualified for any cause.

See Georgia Constitution Article II, Section II, Paragraph III; O.C.G.A. §§ 45-2-1, 21-2-8, 21-2-75.