



# **Candidate Training Guide**



## **Office of the Secretary of State**

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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.state.ga.us/elections](http://www.sos.state.ga.us/elections).

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## QUALIFYING FOR OFFICE

([www.sos.state.ga.us/elections](http://www.sos.state.ga.us/elections) to view detailed qualifications)

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 and municipal 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.

### **Qualifying Fee (O.C.G.A. § 21-2-131):**

[http://www.legis.state.ga.us/cgi-bin/gl\\_codes\\_detail.pl?code=21-2-131](http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=21-2-131)

**County and Municipal 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 base salary established by the local act, exclusive of compensation supplements for training provided for and cost-of-living adjustments.

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, exclusive of supplements, cost-of-living increases and longevity increases.

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 or more than \$35 for a municipal office.

**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) for the requirements for filing as a pauper or visit the web address below:

[http://www.legis.state.ga.us/cgi-bin/gl\\_codes\\_detail.pl?code=21-2-132](http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=21-2-132)

*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. (O.C.G.A. 21-2-6 (d)).*

[http://www.legis.state.ga.us/cgi-bin/gi\\_codes\\_detail.pl?code=21-2-6](http://www.legis.state.ga.us/cgi-bin/gi_codes_detail.pl?code=21-2-6)

**Where to Qualify (O.C.G.A. § 21-2-132):**

[http://www.legis.state.ga.us/cgi-bin/gi\\_codes\\_detail.pl?code=21-2-132](http://www.legis.state.ga.us/cgi-bin/gi_codes_detail.pl?code=21-2-132)

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. Candidates for nonpartisan offices, independent candidates and political body candidates pay their fee to and qualify with the election superintendent in their county. Any ensuing runoff will be conducted on the date set aside for the primary runoffs – generally three weeks after the date of the primary or four weeks after a general or special election.

Municipal Offices: Candidates for municipal office or a designee shall file a notice of candidacy in the office of the municipal election superintendent of such candidate's municipality during the municipality's qualifying period.

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 (O.C.G.A. § 21-2-132)**

[http://www.legis.state.ga.us/cgi-bin/gi\\_codes\\_detail.pl?code=21-2-132](http://www.legis.state.ga.us/cgi-bin/gi_codes_detail.pl?code=21-2-132)

Political Party and Nonpartisan 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. the fourth Monday in April and not later than 12:00 p.m. on the Friday following the fourth Monday in April.

Qualifying Opens: 9:00 a.m. – fourth Monday in April

Qualifying Closes: 12:00 p.m. – Friday following the fourth Monday in April

A candidate desiring to have his or her name placed on the **nonpartisan election** ballot shall file a notice of candidacy in the office of the superintendent for county offices and with the Secretary of State for state and federal offices no earlier than 9:00 a.m. on the fourth Monday in June and no later than 12:00 p.m. on the Friday following the fourth Monday in June.

Qualifying Opens: 9:00 a.m. – fourth Monday in June

Qualifying Closes: 12:00 p.m. – Friday following the fourth Monday in June

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 fourth Monday in June and not later than 12:00 p.m. on the Friday following the fourth Monday in June.

Qualifying Opens: 9:00 a.m. – fourth Monday in June

Qualifying Closes: 12:00 p.m. – Friday following the fourth Monday in June

Independent candidates and political body candidates who are required to file nomination petitions are required to do so no earlier than the fourth Monday in June and not later than the second Tuesday in July immediately preceding the election. Candidates required to file nomination petitions file their petitions with the same officials with whom they qualify.

Not Earlier Than: 9:00 a.m. – fourth Monday in June

Not Later Than: 12:00 p.m. – second Tuesday in July

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

[http://www.legis.state.ga.us/cgi-bin/gl\\_codes\\_detail.pl?code=21-2-133](http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=21-2-133)

No person elected on a write-in vote shall be eligible to hold office unless notice of his or her intention of candidacy was filed and published 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 and no later than seven days after the close of the municipal qualifying period for a municipal election in the case of a general election; no later than seven days after the close of the special election qualifying period for a special election by a person to be a write-in candidate, as follows:

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

Municipal Offices: Publication shall be in the official gazette of the municipality holding the election and the notice shall be filed with the superintendent.

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.

Within five days after the deadline for filing and publishing of the notice in the appropriate medium, 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.

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.

Notice of Intention forms for write-in candidates are available from the county or municipal election superintendent and the Office of Secretary of State.

**NOTE:**        **As the name "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. However, should a write-in candidate be a successful nominee in a runoff resulting from the original election in which the candidate was a write-in candidate, 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) as all other candidates.

# THE ETHICS IN GOVERNMENT ACT AS IT APPLIES TO CANDIDATES AND PUBLIC OFFICIALS

(O.C.G.A § 21- 5)

[http://www.legis.state.ga.us/cgi-bin/gj\\_codes\\_detail.pl?code=21-5](http://www.legis.state.ga.us/cgi-bin/gj_codes_detail.pl?code=21-5)  
[www.ethics.georgia.gov](http://www.ethics.georgia.gov)

**NOTE:** A number of changes to the Ethics in Government Act were made during the 2005 session of the Georgia General Assembly due to House Bill 48. These changes became effective on January 9, 2006. House Bill 48 transferred the duty of filing officer from the Office of the Secretary of State to the State Ethics Commission. All filings AFTER January 9, 2006 must be filed with the State Ethics Commission.

## **Declaration of Intention to Accept Campaign Contributions (Form DOI):**

If you are **not** currently a public officer holding elective office and plan to run for public office, you must file a DOI prior to accepting campaign contributions. Candidates for county offices file a DOI with their county filing officer. Municipal candidates file a DOI with their municipal filing officer. Candidates for state offices including candidates for the General Assembly file a DOI with the State Ethics Commission.

## **Campaign Committee Registration by Candidate or Other (Form RC):**

With the exception of judicial candidates, candidates are not required to have a campaign committee. However, if a candidate forms a campaign committee, the candidate must register the committee with the State Ethics Commission prior to accepting any contributions. No contributions may be accepted at any time there is a vacancy in either the position of chairman or treasurer. One person may serve as both chairperson and treasurer. No candidate may have more than one committee.

## **Choosing Option of Separate Accounting (Form COOSA):**

A candidate who wishes to accept contributions for more than one election at a time shall separately account for such campaign contributions and shall file an "Option to Choose Separate Accounting" form with the State Ethics Commission prior to accepting contributions for any election other than the next upcoming election and **only if** contributions are to be accepted for more than one election at a time. If this option is chosen, a separate bank account **may** be opened for each election. A candidate is only required to file one COOSA form which is used for all subsequent elections to the same elective office, regardless of whether an election occurs in a new election cycle.



### **Campaign Contribution Disclosure Report:**

Elected officials and any candidate seeking elected office in Georgia or the chairperson or treasurer of their campaign committee must file campaign contribution disclosure reports. A candidate for county office or the chairperson or treasurer of the candidate's campaign committee is required to file the reports with the county filing officer. A candidate for municipal office or the chairperson or treasurer of the candidate's campaign committee is required to file the reports with the municipal filing officer. A candidate for the General Assembly or the chairperson or treasurer of the candidate's campaign committee is required to file the original Campaign Contribution Disclosure Report with the State Ethics Commission and a copy of the report with the election superintendent of the county of the candidate's residence.

### **Electronic Filing or E-Filing:**

Candidates seeking election to constitutional offices, the Supreme Court, the Court of Appeals, and the Public Service Commission who have raised or spent a minimum of \$20,000 in an election cycle must electronically file with the State Ethics Commission. Under that threshold, electronic filing is permitted and encouraged but not required.

Candidates seeking election to the General Assembly, superior courts, and the office of district attorney who raise or spend a minimum of \$10,000 in an election cycle must electronically file with the State Ethics Commission. Under that threshold, electronic filing is permitted but not required.

Candidates seeking election to county or municipal offices that raise or spend a minimum of \$10,000 in an election cycle shall use electronic means to file their campaign contribution disclosure reports with the election superintendent of their county or the municipal clerk or chief executive officer of their municipality. Under that threshold, electronic filing is permitted but not required.

Effective January 9, 2006, PACs, independent committees, and any other persons otherwise required by the Ethics in Government Act to file campaign contribution disclosure reports are required to file such reports electronically with the State Ethics Commission upon having raised or spent \$5,000 in a calendar year. Under that threshold, electronic filing is permitted but not required.

When campaign contribution disclosure reports are filed electronically, as herein stated, the filer shall only submit to the State Ethics Commission a notarized affidavit certifying that the electronic filing is correct. No paper copy of the report shall be filed.

Municipal and county candidates must also submit a notarized affidavit to the

State Ethics Commission even though they only file their report electronically.

**Grace Periods for Filing Reports:**

All candidates have a five-day grace period in filing campaign contribution disclosure reports. If a report is due for a run-off election, the candidate shall have a two-day grace period for filing the required report. If the end of the grace period falls on a Saturday, Sunday, or legal holiday, then the end of the grace period shall be the next business day following the Saturday, Sunday, or legal holiday. Reports are considered timely filed when filed on the due date or within the grace period, or if postmarked on the due date or within the grace period.

The filing officer is required by the Ethics in Government Act to electronically report to the State Ethics Commission those individuals who do not file in a timely manner.

Reports will be accepted by the filing officer after the grace period has expired, however, the candidate will be in violation of the law and subject to late filing fees as well as possible civil and criminal penalties as outlined in the Ethics in Government Act.

In addition to penalties provided for in the Ethics in Government Act a late filing fee of \$25.00 must be paid for each report that is filed after the grace period. An additional late filing fee of \$50.00 must be paid for each report filed on or after the 15<sup>th</sup> day past the due date.

**Financial Disclosure Statement:**

Every public officer and every candidate for election as a public officer must file a financial disclosure statement covering the period of the preceding calendar year. Only one financial disclosure statement is required per calendar year.

Every public officer who is an elected county official and every candidate for election as a county public official must file a financial disclosure statement with the election superintendent of the county of the election.

Every public officer who is an elected municipal official and every candidate for election as a municipal public official must file a financial disclosure statement with the municipal clerk or, if there is no clerk, with the chief executive officer of the municipality of election.

A candidate for a local public office shall file a financial disclosure statement not later than the fifteenth day following the day on which the candidate qualifies.

All state and local public officers shall file a financial disclosure statement not before January 1 and not later than July 1 of each year that the public officer holds office, except the year in which the office holder is a candidate.

If the public officer chooses not to run for re-election or for election to another public office, no financial disclosure statement need be filed in the year qualifying to succeed him/her takes place.

Effective January 9, 2006, every public officer and every candidate for statewide office, as defined in categories (A) through (E) of O.C.G.A. § 21-5-3 (22), shall file electronically with the State Ethics Commission, not later than seven days after qualifying for office. (*Filers must complete and mail in an original Financial Disclosure PIN Application prior to filing electronically.*)

All campaign and financial disclosure related forms are available on the State Ethics Commission's website [www.ethics.georgia.gov](http://www.ethics.georgia.gov)

**SPECIAL FILING: (O.C.G.A. § 21-5-34 (c)(2)(C):**

[http://www.legis.state.ga.us/cgi-bin/gl\\_codes\\_detail.pl?code=21-5-34](http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=21-5-34)

**Form TBD (Formerly 48 Hour Report):**

During the period of time between the last report due prior to the date of any election for which the candidate is qualified and the date of such election, all contributions of \$1000 or more shall be reported within **two business days of receipt** to the location where the original disclosure report for such candidate or committee was filed. Additionally, the contribution(s) must be reported on the next succeeding regularly scheduled campaign contribution disclosure report. *If a report is mailed, it must also be reported by facsimile, electronic transmission or hand delivered so that such report is actually received in the filing office within 2 business days of receipt.* No grace period shall apply to contributions required to be reported within two business days.

If you have questions regarding the Ethics in Government Act contact the State Ethics Commission at (404) 463-1980 or visit their web site:

[www.ethics.georgia.gov](http://www.ethics.georgia.gov)

The State Ethics Commission's staff, through the Educational Outreach Program, conducts free training workshops that provide an educational opportunity for elected public officers, candidates, lobbyists, committees, filing officers, and other interested persons to learn more about the Georgia Ethics in Government Act and how it applies to them. The Training Workshops are held during the year at various locations throughout the state.

Visit the web site for Training Workshop Schedule details or contact the Education Coordinator, BeLinda Godwin, by telephone at (404) 463-1992, or via e-mail at [bgodwin@ethics.state.ga.us](mailto:bgodwin@ethics.state.ga.us) for an informational brochure.

## **APPOINTMENT AND DUTIES OF POLL WATCHERS**

**(O.C.G.A. § 21-2-408)**

[http://www.legis.state.ga.us/cgi-bin/gl\\_codes\\_detail.pl?code=21-2-408](http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=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 in which he or she wishes to have an observer. The names are 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. There may be no more than two poll watchers from each political party present in a polling place.

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 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 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 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.

### **Advance Voting Poll Watchers:**

At least seven days prior to an election or runoff, each political party and body shall designate no more than two official poll watchers for each location at which advance voting is conducted. 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 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 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 advance voting period. All such designations of statewide poll watchers shall be in writing and made 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 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 Code 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 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)**

[http://www.legis.state.ga.us/cgi-bin/gl\\_codes\\_detail.pl?code=21-2-414](http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=21-2-414)

No person may solicit votes, solicit signatures for a petition, distribute campaign materials, or place campaign signs within 150 feet of the outer edge of any building within which a polling place is established on Election Day.

No person shall use a cellular telephone or other electronic communication device once such person has been issued a ballot or once the person has entered the electronic voting booth. This does not prohibit the use of cellular phones by poll officials.

No person shall solicit votes or distribute campaign materials to voters within a room under the control or supervision of the registrars or absentee ballot clerk in which absentee ballots are being cast on any day or within 150 feet of any elector waiting to cast an absentee ballot. Rooms under the control or supervision of the registrars or absentee ballot clerk in which absent ballots are cast shall be considered polling places.

**"No person whose name appears as a candidate on the ballot being voted upon at a primary, election, special primary, or special election shall physically enter any polling place other than that at which such candidate is authorized to vote. After voting, such candidate shall not return to such polling place until after the poll has closed and voting has ceased. Any person who violates this code section shall be guilty of a misdemeanor." (O.C.G.A. § 21-2-414 (f))**

[http://www.legis.state.ga.us/cgi-bin/gl\\_codes\\_detail.pl?code=21-2-414](http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=21-2-414)



## VOTER REGISTRATION INFORMATION

(O.C.G.A. § 21-2-224)

[http://www.legis.state.ga.us/cgi-bin/gl\\_codes\\_detail.pl?code=21-2-224](http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=21-2-224)

**Voter registration deadlines close on the fifth Monday prior to the date of the election.** If the fifth Monday is a legal holiday, registration will close at the end of the next business day following the holiday, prior to the date of the election.

The applications for persons who register to vote, or change their name and/or address by mail must be postmarked by the cut off date for the registration application or name and/or address change to be considered completed by the deadline.

**Any voter who registers to vote for the first time in the state of Georgia, by mail, is required to provide identification either when they mail their application in or when they vote for the first time. If they do not provide one of the approved pieces of identifications, they will be required to vote a provisional ballot. In addition, if they do not provide an approved piece of identification within two days after the election date, their ballot will not be counted. (O.C.G.A. § 21-2-417)**

[http://www.legis.state.ga.us/cgi-bin/gl\\_codes\\_detail.pl?code=21-2-417](http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=21-2-417)

**Confidentiality of Information (O.C.G.A. § 21-2-225)**

[http://www.legis.state.ga.us/cgi-bin/gl\\_codes\\_detail.pl?code=21-2-225](http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=21-2-225)

All data collected and maintained on electors whose names appear on the list of electors maintained by the Secretary of State pursuant to this article shall be available for public inspection with the exception of the social security numbers of the electors and the locations at which the electors applied to register to vote which shall remain confidential and be used only for voter registration purposes.

**NOTE: The Secretary of State supplies a limited number of voter registration applications to each local office. Therefore, if you wish to obtain voter registration forms call (404) 656-2871 or go to [www.sos.state.ga.us](http://www.sos.state.ga.us).**

## PROCEDURES FOR ORDERING VOTER FILE INFORMATION

**Voter registration lists and files are available to the public.** The files contain the following information: voter name, residence address, mailing address if different, race, gender, date 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. (O.C.G.A § 21-2-225c)

[http://www.legis.state.ga.us/cgi-bin/gl\\_codes\\_detail.pl?code=21-2-225](http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=21-2-225)

### **Voter Registration Database Pricing Policy Adopted June 17, 2003**

I. Authorizing authority: Pursuant to O.C.G.A. § 21-2-225 (c), the Office of the Secretary of State (SOS) is directed to establish a cost to be charged for voter registration data.

II. Historical background: The Georgia Technology Authority (GTA) maintains the mainframe computer system that stores the voter registration database. Previously, the SOS did not maintain a copy (in the format required by purchasers) of the current voter registration database and any requests for such list or variations thereof were made through the SOS to GTA. The GTA costs billed to the SOS associated with the retrieval of this data are significant. Now, to maintain certain on-line voter services, GTA refreshes daily the SOS copy of voter registration database. In light of the new technology services and to reduce customer costs, the SOS is revising procedures to service in-house certain customer requests regarding the voter registration database.

III. Political parties' and bodies' exemption from costs: So that political organizations may provide the information contained within the statewide voter registration database to their candidates and thereby greatly reduce inquiries made to the Election Division, the SOS shall continue to provide copies of the statewide voter registration database once a month to any state political party or political body at no cost.

IV. Media outlets exemption from costs: In the spirit and interest of disseminating public information, the SOS reserves the right to waive costs for bona fide media organizations and their designated outlets.

V. Statewide voter registration database: The SOS, through its Information Technology department, currently maintains a copy of the statewide voter list that is current as of the prior business day. Because this information is now available without requesting the information from GTA, we shall provide this information at the substantially reduced rate of \$500.00 per digital copy on CD-ROM. Note: Under this new price plan, we shall not provide files "as of" a certain day since "as of" files are not kept by the SOS. The only database copy retained by the SOS is the statewide voter registration list which is refreshed each business

day. Any “as of” requests shall be processed and charged as a custom voter registration list.

VI. Custom Voter Registration Lists: A custom voter registration list includes the following types of lists: a list of the registered voters in a particular county, precinct, State or Federal House district, State Senate district, or any other specialized list requiring sorting, filtering, or other manipulation of the statewide list. Pending the development of an automated system for producing these lists from the SOS copy of the statewide database, we will continue to request these files from GTA on behalf of our customers. The cost to be charged for electronic files shall be based the cost charged to the SOS by GTA to produce the file.

Voter History Files are available for download free of charge. History files are zipped, fixed-length text files organized by election year.

You will need a voter file in order to associate a voter with his/her voter history. The voter and history files both contain the voter registration number, and can be linked on this field.

**Paper lists or Electronic files** may be ordered through the Office of Secretary of State or your local county board of registrar’s office. Statewide voter files must be ordered directly through the Office of Secretary of State.

**Mailing Labels** are not available through the Office of Secretary of State. If a county provides labels, the pricing is set by the individual county office.

For more information on voter lists/files, please contact the Secretary of State Elections Division at 404-657-2871.

## VOTER REGISTRATION DATABASE PRICING LIST

File Type	File Size (Number of Voters)	Cost of Electronic File	Cost of Paper File
<b>Statewide Voter File</b>		\$500	
<b>Congressional, State Senate, State House, or Judicial Districts</b>	0 - 10,000	\$60	\$80
	10,001 - 50,000	\$130	\$225
	50,001 - 100,000	\$185	\$450
	100,001 - 200,000	\$360	\$900
	200,000 - 500,000+	\$585	\$1,875
<b>Countywide List of Voters</b>	0 - 10,000	\$40	\$65
	10,001 - 50,000	\$90	\$205
	50,001 - 100,000	\$125	\$375
	100,001 - 200,000	\$180	\$685
	200,000 - 500,000+	\$450	\$1,675
<b>Municipal List of Voters</b>	0 - 10,000	\$60	\$80
	10,001 - 50,000	\$130	\$225
	50,001 - 100,000	\$185	\$450
	100,001 - 200,000	\$360	\$900
	200,000 - 500,000+	\$585	\$1,875
<b>County, or Municipal District/Precinct</b>	0 - 10,000	\$60	\$80
	10,001 - 50,000	\$130	\$225
	50,001 - 100,000	\$185	\$450
	100,001 - 200,000	\$360	\$900
	200,000 - 500,000+	\$585	\$1,875
<b>Special Selection Criteria</b>	0 - 10,000	\$410	\$430
(These pricing formats are for special voter files outside of the formats listed above.)	10,001 - 50,000	\$910	\$1,035
	50,001 - 100,000+	\$1,510	\$1,775

## VOTING BY ABSENTEE BALLOT

Applications for absentee ballots may not be accepted more than 180 days prior to the date of the primary, primary runoff, general election or general election runoff.

**An elector who requests an absentee ballot by mail or who, during the period of Monday through Friday of the week immediately preceding the date of a primary, election, or runoff primary or election, casts an absentee ballot in person at the registrar's office or absentee ballot clerk's office shall not be required to provide a reason to cast an absentee ballot in such primary, election or runoff primary or election.**

**NOTE: No absentee ballot shall be issued on the day prior to a primary or election.**

A voter may apply for an absentee ballot by mail, facsimile, or in person in the registrar's office. However, if the ballots are ready and the voter applies in the registrar's office, the voter is required to vote immediately. If a voter is temporarily residing out of the county or is physically disabled and residing within the county, the application may be completed and submitted by the voter's **mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law who is 18 years of age or older.** Proof of relationship may be required. Relatives who apply for an absentee ballot on behalf of a voter must sign an oath that the facts on the application are true. They must also state their relationship to the voter.

Members of the armed forces or merchant marines, their spouses and dependents, and other U.S. overseas citizens, may complete one application for an absentee ballot, and ballots will be sent for the next two general election cycles, with the exception of municipal elections and special elections held separately from the general primary or general election.

Individuals of advanced age or who are disabled may complete one application for an absentee ballot, and ballots will be sent for that election year, with the exception of ballots for the presidential preference primary, municipal elections, and special elections held separately from the general primary or general election.

The Secretary of State, Elections Division provides application forms to request an absentee ballot: [www.sos.state.ga.us/elections](http://www.sos.state.ga.us/elections)

Except for physically disabled voters within the county, no ballot will be mailed to any address other than the temporary out-of-county address of the voter or the permanent mailing address recorded on the voter's registration card.

**NOTE: Candidates or other individuals are not prohibited from distributing applications for absentee ballots. Absentee ballots must be requested and returned by voters in accordance with the provisions set forth in the Election Code.**

The superintendent must, at least 45 days prior to any general primary or general election other than a municipal general primary or election, and at least 21 days prior to any municipal general primary or election, prepare, obtain, and deliver an adequate supply of official absentee ballots to the board of registrars or absentee ballot clerk for use in the primary or election. **No absentee ballot shall be issued on the day prior to a primary or election.**

Voters may return their voted absentee ballots to the county elections office by mail, or by personal delivery. The absentee ballot of a physically disabled voter may be returned by one of the relatives listed as eligible to apply for an absentee ballot on behalf of the voter, or by an adult residing in the household of the physically disabled voter. Ballots returned by any other method or means, other than those authorized by law, will be rejected. **Absentee ballots received after 7:00 p.m. the night of the election will not be counted.**

However, absentee ballots cast in a primary, election or runoff by eligible absentee electors who reside outside the county or municipality in which the primary runoff or election runoff is held and are members of the armed forces of the United States, members of the merchant marine of the United States, spouses or dependents of members of the armed forces or merchant marine residing with or accompanying such members, or overseas citizens that are postmarked by the date of such primary, election or runoff and are received within the three day period following such primary, election or runoff, if proper in all other respects, shall be valid ballots and shall be counted and included in the certified election results.

If a voter is hospitalized on the day of the election, or in the five-day period prior to the date of the election, the registrars may deliver an absentee ballot application and ballot to the voter in the hospital. The voter is to immediately vote the ballot.

## MISCELLANEOUS ELECTION INFORMATION

### **Qualifications of Poll Officers (O.C.G.A. § 21-2-92):**

[http://www.legis.state.ga.us/cgi-bin/gi\\_codes\\_detail.pl?code=21-2-92](http://www.legis.state.ga.us/cgi-bin/gi_codes_detail.pl?code=21-2-92)

Poll officers appointed pursuant to Code Sections 21-2-90 and 21-1-91 shall be judicious, intelligent, and upright citizens of the United States, residents of the county in which they are appointed, 16 years of age or older, and shall be able to read, write, and speak the English language. No poll officer shall be eligible for any nomination to public office to be voted for at any primary or election at which the poll officer shall serve. No person who is otherwise holding public office, other than a political party office, shall be eligible to be appointed as or to serve as a poll officer.

**A parent, spouse, child, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law of a candidate shall not be eligible to serve as a poll officer in any precinct in which such candidate's name appears on the ballot in any primary or election.**

### **Presentation of Identification to Vote (O.C.G.A. § 21-2-417)**

[http://www.legis.state.ga.us/cgi-bin/gi\\_codes\\_detail.pl?code=21-2-417](http://www.legis.state.ga.us/cgi-bin/gi_codes_detail.pl?code=21-2-417)

Each elector shall present proper identification to a poll worker at or prior to completion of a voter's certificate at the polling place and prior to such person's admission to the enclosed space at such polling place. Proper identification shall consist of any one of the following:

- (1) A Georgia driver's license;
- (2) A valid Georgia voter identification card or other valid identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the elector;
- (3) A valid United States passport;
- (4) A valid employee identification card containing a photograph of the elector and issued by any branch, department, agency or entity of the United States Government, this state, or any county, municipality, board, authority, or other entity of this state;
- (5) A valid United States military identification card, provided that such identification card contains a photograph of the elector;

- (6) A valid tribal identification card containing a photograph of the elector;

**NOTE:** If an elector is unable to produce any of the items of identification listed in subsection (a) of this Code section, he or she shall be allowed to vote a provisional ballot. If an elector registered to vote by mail and is voting for the first time in Georgia, he or she may provide one of the forms of identification listed above or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of such elector. If such first time elector does not have any of the forms of identification listed, he or she may vote a provisional ballot upon swearing that the elector is the person identified in the elector's voter certificate. Such provisional ballot shall only be counted if the registrar is able to verify current and valid identification of the elector.

### **Challenges to Qualification of Candidates**

County and Municipal Offices: (O.C.G.A § 21-2-6):

[http://www.legis.state.ga.us/cgi-bin/gl\\_codes\\_detail.pl?code=21-2-6](http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=21-2-6)

All candidates certified for county offices by a county executive committee and every candidate certified for municipal office by a municipal 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, unless the bank, credit union, or other financial institution returning the check certifies in writing by an officer's or director's oath that the bank, credit union or financial institution erred in returning the check.

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):

[http://www.legis.state.ga.us/cgi-bin/gl\\_codes\\_detail.pl?code=21-2-5](http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=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, unless the bank, credit union, or other financial institution returning the check certifies in writing by an officer's or director's oath that the bank, credit union or financial institution erred in returning the check.

**Recounts (O.C.G.A. § 21-2-495):**

[http://www.legis.state.ga.us/cgi-bin/gi\\_codes\\_detail.pl?code=21-2-495](http://www.legis.state.ga.us/cgi-bin/gi_codes_detail.pl?code=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/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 done 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.

**Portion of Vote Required for Nomination in a Primary or for Election in a Special or General Election and Runoff Election (O.C.G.A. § 21-2-501):**

[http://www.legis.state.ga.us/cgi-bin/gl\\_codes\\_detail.pl?code=21-2-501](http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=21-2-501)

For a candidate to be nominated in a primary or elected to office in any election, 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 - 21-2-529):**

[http://www.legis.state.ga.us/cgi-bin/gl\\_codes\\_detail.pl?code=21-2-522](http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=21-2-522)

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

A result of a primary or election may be contested on one or more of the following grounds:

- (1) Misconduct, fraud, or irregularity by any primary or election official or officials sufficient to change or place in doubt the result;
- (2) When the defendant is ineligible for the nomination or office in dispute;
- (3) When illegal votes have been received or legal votes rejected at the polls sufficient to change or place in doubt the result;
- (4) For any error in counting the votes or declaring the result of the primary or election, if such error would change the result;
- (5) 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):**

[http://www.legis.state.ga.us/cgi-bin/gl\\_codes\\_detail.pl?code=21-2-524](http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=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 this state 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 or municipal office, 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 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.
- H. Persons who are constitutionally disqualified for any cause.

Georgia Constitution Article 2, §2, ¶3

O.C.G.A. §45-2-1, 21-2-81

