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OFFICIAL CODE OF GEORGIA ANNOTATED
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*** ARCHIVE MATERIAL ***

*** THIS SECTION IS CURRENT THROUGH THE 1992 SUPPLEMENT ***
*** (1992 REGULAR SESSION OF THE GENERAL ASSEMBLY) ***

TITLE 21. ELECTIONS
CHAPTER 2. ELECTIONS AND PRIMARIES GENERALLY
ARTICLE 5. PRESIDENTIAL PREFERENCE PRIMARY

O.C.G.A. § 21-2-193 (1992)

§ 21-2-193. Selection of candidates to appear on ballot; notification of candidates so selected; hearing to consider requests of candidates not selected that their names be placed on ballot

(a) The name of any candidate for a political party or body nomination for the office of President of the United States shall be printed upon the ballot used in such primary upon the direction of a presidential candidate selection committee composed of a nonvoting chairman who shall be the Secretary of State, and the Speaker of the House of Representatives, the majority leader of the Senate, the minority leaders of both the House and Senate, and the chairmen of the political parties and bodies who conduct a presidential preference primary pursuant to Code Section 21-2-191. The Secretary of State, during the first week in December of the year preceding the year in which a presidential preference primary is held, shall prepare and publish a list of names of potential presidential candidates who are generally advocated or recognized in news media throughout the United States as aspirants for that office and who are members of a political party or body which will conduct a presidential preference primary in this state; provided, however, that the Secretary of State shall not include on such list the name of any potential presidential candidate who, if elected to the office of President of the United States, would be ineligible under the Constitution and laws of the United States to serve in such elected office. The Secretary of State shall submit such list of names of potential presidential candidates to the selection committee during the second week in December of the year preceding the year in which a presidential preference primary is held. The selection committee shall meet in Atlanta during the third week in December of the year preceding the year in which a presidential preference primary is held, on a date publicly announced by the chairman. Each person designated by the Secretary of State as a presidential candidate shall appear upon the ballot of the appropriate political party or body unless all committee members of the same political party or body as the candidate agree to delete such candidate's name from the ballot. The selection committee shall publicly announce and submit the names of presidential candidates who shall appear on the presidential primary ballot to the Secretary of State no later than the end of the fourth week of December of the year preceding the year a presidential preference primary is held. Not later than January 1 of each year in which a presidential preference primary is held, the Secretary of State shall notify each potential presidential candidate designated by the committee for inclusion on the primary ballot. Such notification shall be in writing by registered or certified mail with return receipt requested.

(b) Any presidential candidate whose name is not selected by the Secretary of State or whose name is deleted by the selection committee may request, in writing, to the chairman of the selection committee, prior to January 6 of each year in which a presidential preference primary is held, that his name be placed on the ballot. Not earlier than January 6, nor later than January 10, the Secretary of State shall convene the committee to consider such requests; provided, however, that the committee shall not consider any request to place the name of any potential presidential candidate on the ballot if such potential presidential candidate, if elected to the office of President of the United States, would be ineligible. If



O.C.G.A. § 21-2-193

any member of the selection committee of the same political party or body as the candidate requests that such candidate's name be placed on the ballot, the committee shall direct the Secretary of State to place the candidate's name on the ballot. Within five days after such meeting, the Secretary of State shall notify the potential presidential candidate whether or not his name will appear on the ballot.

HISTORY: Code 1933, § 34-1003A, enacted by Ga. L. 1973, p. 221, § 1; Ga. L. 1980, p. 5, § 1; Ga. L. 1987, p. 1360, § 10.

NOTES: THE 1987 AMENDMENT, effective July 1, 1987, in subsection (a), substituted "first week in December of the year preceding the year" for "second week in January of the year" in the second sentence, substituted "second week in December of the year preceding the year" for "third week in January of the year" in the third sentence, substituted "third week in December of the year preceding the year" for "fourth week in January of the year" in the fourth sentence, substituted "the end of the fourth week of December of the year preceding the year" for "February 1 of the year" in the sixth sentence, and substituted "January 1" for "February 5" in the seventh sentence; and, in subsection (b), substituted "January 6" for "February 10" in the first sentence and substituted "January 6, nor later than January 10" for "February 10, nor later than February 15" in the second sentence.

JUDICIAL DECISIONS

CONSTITUTIONALITY. --This section is neither unduly burdensome nor irrational, and is valid under the U.S. Const., Amend. 14. *Belluso v. Poythress*, 485 F. Supp. 904 (N.D. Ga. 1980).

RESEARCH REFERENCES

ALR. --Constitutionality of statute relating to election ballots as regards place or number of appearances on the ballots of names of candidates, 78 ALR 398.

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title.