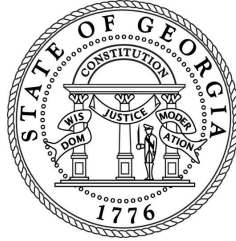


Office of the Secretary of State Elections Division



Write-in Candidacy Qualifying Packet

This Write-in Candidacy Qualifying Packet has been prepared to assist candidates qualifying as a Write-in Candidate for Federal and State Office.

NOTICE: This Candidate Handbook and Resource Guide has been prepared to assist you in filing documents relating to an election. It includes a detail of events, filing timeline(s), summary of provisions and filing requirements. It is not intended to provide legal advice and is for general guidance only. Please note that it is not within the purview of this office to determine whether a candidate meets the requirements for holding office. Individuals with questions concerning their own or other candidate qualifications or other related matters should seek legal counsel. Candidates and others using this Candidate Handbook and Resource Guide must bear full responsibility to make their own determinations as to all legal standards, duties and factual material contained therein.

If you have questions or comments, please email Elections@sos.ga.gov or contact us by phone at (404) 656-2871.

This packet contains:

1. Frequently Asked Questions/Instructions
2. Notice of Intention for Write-in Candidacy (Required filing form)
3. Affidavit of Publication (Required filing form)

Please visit <https://sos.ga.gov/candidate-resources-qualifying-public-office> for more information and to download the required filing documents.

FILING LOCATION
ELECTIONS DIVISION
2 Martin Luther King Jr., Drive SE
West Tower - Suite 802
Atlanta, Georgia 30334

Office of the Secretary of State
Elections Division



FAQ & GENERAL INSTRUCTIONS

1. What is the filing period for Write-in Candidacy

- a. Write-in candidates may file their Notice of Intent and Affidavit of Publication beginning January 1 of the year in which the General Election is to be held and no later than the Tuesday after the first Monday in September prior to the election; no later than seven days after the close of the qualifying period for nonpartisan elections in the case of nonpartisan elections for state or county offices; no later than seven days after the close of the municipal qualifying period for municipal elections in the case of a general election; or no later than seven days after the close of the special election qualifying period for a special election by the person to be a write-in candidate or by some other person or group of persons qualified to vote in the subject election, as follows:
 - (1) In a state general or special election, notice shall be filed with the Secretary of State and published in a newspaper of general circulation in the state;
 - (2) In a general or special election of county officers, notice shall be filed with the elections superintendent in the county to be a candidate and published in the official organ of the county;
 - (3) In a municipal general or special election, notice shall be filed with the superintendent and published in the official gazette of the municipality holding the election.

2. What is required to be a Write-in Candidate?

- a. A Notice of Intent of Candidacy
 - i. Federal and State offices must be filed with Secretary of State office.
 - ii. County and Municipal offices must be filed with local Elections Superintendent.
 - iii. **Notice of Intent must be signed** but does not have to be notarized.
 - iv. The Notice of Intent must be filed with the appropriate official specified in O.C.G.A. § 21-2-133(a)(1)(2)(3). The deadline to file and publish is the **Tuesday after the first Monday in September prior to the election.**
- b. The Write-in Candidate must publish their Intent of Candidacy and file an affidavit
 - i. The Affidavit of Publication must be filed and may be found on our website at: <https://sos.ga.gov/candidate-resources-qualifying-public-office>
 - ii. Federal and State offices, must publish in a newspaper of general circulation.
 - iii. County and Municipal office, must publish in the legal organ of their county.
 - iv. **The publication must have appeared in the required legal organ by or on the Tuesday after the first Monday in September prior to the election.**
 - v. The affidavit along with a copy of the published notice must be **filed** by the close of business on the fifth day following the Tuesday after the first Monday in September prior to the November General Election.
 - vi. **The affidavit must be notarized**
 - vii. The affidavit may be made by the candidate or by the publisher or a designated employee of the newspaper in which the notice was published.

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- 3. Is there a qualifying fee for a Write-in Candidate?**
 - a. No fee is required for Write-in Candidate.
- 4. If the candidate lost in the Primary, can the candidate be a Write-in Candidate in a General Election?**
 - a. No, he or she cannot be a Write-in Candidate for the same office they ran for in a general primary election; however, he or she can be a Write-in Candidate for any other office on the ballot.
- 5. What if a candidate turned in a nomination petition and did not meet the petition requirements to be a candidate, can the candidate be a Write-in Candidate for that office?**
 - a. Yes, as long as the candidate meets the requirements in O.C.G.A. § 21-2-133 to be a Write-in Candidate.
- 6. Does a Write-In Candidate have to be a registered voter in Georgia?**
 - a. The Write-in Candidate must meet the qualifications to run for office.
- 7. Can someone file a Notice of Intent of Candidacy on someone else's behalf?**
 - a. Yes, they can; nothing in the code prevents that.
- 8. Do I need to include the list of Write-in Candidates with the absentee ballots?**
 - a. No. See O.C.G.A. § 21-2-384
- 9. Are local election superintendents required to post a list of certified write-in candidates at the polls or publish a list in the county's legal organ?**
 - a. There is no requirement to publish a list of qualified write-in candidates in a legal organ. The only requirement regarding the availability of write-in candidates to the public is that the superintendent shall provide copies of the list at the polling place. A list of certified write-in candidates will be listed on the SOS website <https://mvp.sos.ga.gov/s/qualifying-candidate-information>. Please refer to O.C.G.A. § 21-2-401(d)
- 10. What if the elector votes for a candidate who is not a certified Write-in Candidate?**
 - a. A write-in vote is only counted if it corresponds to the name of a certified write-in candidate. Please refer to O.C.G.A. § 21-2-486
- 11. Can someone be eligible as a write-in candidate for a Runoff Election?**
 - a. No. Please refer to O.C.G.A. § 21-2-133(c)
- 12. When does certification of write-in votes occur?**
 - a. The Certification of Write-In Candidates showing the number of write-in votes must be submitted to SOS by the county by the Monday following the election.
 - b. The State will certify the State Write-in results within 17 days following County certification
 - c. Each county will certify county Write-in results.