

House Bill 729

By: Representatives Noel of the 44th, DeLoach of the 127th, Barnard of the 121st, Post 1, Campbell of the 39th, Gardner of the 42nd, Post 3, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2 primaries and elections generally, so as to provide for the election of clerks of superior court
3 in nonpartisan elections; to provide for qualifying for such office; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
8 elections generally, is amended by striking subsections (c) and (i) of Code Section 21-2-132,
9 relating to filing notice of candidacy, nomination petition, and affidavit, and inserting in lieu
10 thereof new subsections (c) and (i) to read as follows:

11 "(c) Except as provided in subsection (i) of this Code section, all candidates seeking
12 election in a nonpartisan election shall file their notice of candidacy and pay the prescribed
13 qualifying fee by the date prescribed in this subsection in order to be eligible to have their
14 names placed on the nonpartisan election ballot by the Secretary of State or election
15 superintendent, as the case may be, in the following manner:

16 (1) Each candidate for the office of judge of the superior court, Judge of the Court of
17 Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his
18 or her name placed on the nonpartisan election ballot shall file a notice of candidacy,
19 giving his or her name, residence address, and the office sought, in the office of the
20 Secretary of State no earlier than 9:00 A.M. on the fourth Monday in April immediately
21 prior to the election and no later than 12:00 Noon on the Friday following the fourth
22 Monday in April, notwithstanding the fact that any such days may be legal holidays; and

23 (2) Each candidate for clerk of superior court, a county judicial office, a local school
24 board office, or an office of a consolidated government, except those offices which on
25 July 1, 2001, were covered by local Acts of the General Assembly which provided for
26 election in a nonpartisan election without a prior nonpartisan primary, or the candidate's

1 agent, desiring to have his or her name placed on the nonpartisan election ballot shall file
 2 notice of candidacy in the office of the superintendent no earlier than 9:00 A.M. on the
 3 fourth Monday in April immediately prior to the election and no later than 12:00 Noon
 4 on the Friday following the fourth Monday in April, notwithstanding the fact that any
 5 such days may be legal holidays."

6 "(i) Notwithstanding any other provision of this chapter to the contrary, for general
 7 elections held in the even-numbered year immediately following the official release of the
 8 United States decennial census data to the states for the purpose of redistricting of the
 9 legislatures and the United States House of Representatives, candidates in such elections
 10 shall qualify as provided in this subsection:

11 (1) All candidates seeking election in a nonpartisan election shall file their notice of
 12 candidacy and pay the prescribed qualifying fee by the date prescribed in this paragraph
 13 in order to be eligible to have their names placed on the nonpartisan election ballot by the
 14 Secretary of State or election superintendent, as the case may be, in the following
 15 manner:

16 (A) Each candidate for the office of judge of the superior court, Judge of the Court of
 17 Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his
 18 or her name placed on the nonpartisan election ballot shall file a notice of candidacy,
 19 giving his or her name, residence address, and the office sought, in the office of the
 20 Secretary of State no earlier than 9:00 A.M. on the third Wednesday in June
 21 immediately prior to the election and no later than 12:00 Noon on the Friday following
 22 the third Wednesday in June, notwithstanding the fact that any such days may be legal
 23 holidays; and

24 (B) Each candidate for clerk of superior court, a county judicial office, a local school
 25 board office, or an office of a consolidated government, except those offices which on
 26 July 1, 2001, were covered by local Acts of the General Assembly which provided for
 27 election in a nonpartisan election without a prior nonpartisan primary, or the
 28 candidate's agent, desiring to have his or her name placed on the nonpartisan election
 29 ballot shall file notice of candidacy in the office of the superintendent no earlier than
 30 9:00 A.M. on the third Wednesday in June immediately prior to the election and no
 31 later than 12:00 Noon on the Friday following the third Wednesday in June,
 32 notwithstanding the fact that any such days may be legal holidays;

33 (2) All political body and independent candidates shall file their notice of candidacy and
 34 pay the prescribed qualifying fee by the date prescribed in this paragraph in order to be
 35 eligible to have their names placed on the general election ballot by the Secretary of State
 36 or election superintendent, as the case may be, in the following manner:

1 (A) Each candidate for federal or state office, or his or her agent, desiring to have his
 2 or her name placed on the general election ballot shall file a notice of his or her
 3 candidacy, giving his or her name, residence address, and the office he or she is
 4 seeking, in the office of the Secretary of State no earlier than 9:00 A.M. on the last
 5 Monday in July immediately prior to the election and no later than 12:00 Noon on the
 6 Friday following the last Monday in July; and

7 (B) Each candidate for a county office, including those offices which on July 1, 2001,
 8 were covered by local Acts of the General Assembly which provided for election in a
 9 nonpartisan election without a prior nonpartisan primary, or his or her agent, desiring
 10 to have his or her name placed on the general election ballot shall file notice of his or
 11 her candidacy in the office of the superintendent of his or her county no earlier than
 12 9:00 A.M. on the last Monday in July immediately prior to the election and no later
 13 than 12:00 Noon on the Friday following the last Monday in July; and

14 (3) Candidates required to file nomination petitions under subsection (e) of this Code
 15 section shall file such petitions not earlier than 9:00 A.M. on the fourth Monday in July
 16 immediately prior to the general election and not later than 12:00 Noon on the first
 17 Monday in August immediately prior to the general election."

18 SECTION 2.

19 Said chapter is further amended by striking Code Section 21-2-138, relating to nonpartisan
 20 elections for judicial offices, and inserting in lieu thereof a new Code Section 21-2-138 to
 21 read as follows:

22 "21-2-138.

23 The names of all candidates who have qualified with the Secretary of State for the office
 24 of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court
 25 of this state and the names of all candidates who have qualified with the election
 26 superintendent for the office of judge of a state court or clerk of superior court shall be
 27 placed on the ballot in a nonpartisan election to be held and conducted jointly with the
 28 general primary in each even-numbered year, provided that nonpartisan elections for the
 29 office of judge of the state court which was covered on July 1, 2001, by a local Act of the
 30 General Assembly which provided for election in a nonpartisan election without a prior
 31 nonpartisan primary shall be held and conducted jointly with the general election in
 32 even-numbered years. No candidates for any such office shall be nominated by a political
 33 party or by a petition as a candidate of a political body or as an independent candidate.
 34 Candidates for any such office, except offices which were covered on July 1, 2001, by a
 35 local Act of the General Assembly which provided for election in a nonpartisan election
 36 without a prior nonpartisan primary, shall have their names placed on the nonpartisan

1 portion of each political party ballot by complying with the requirements prescribed in
2 Code Section 21-2-132 specifically related to such nonpartisan candidates and by paying
3 the requisite qualifying fees as prescribed in Code Section 21-2-131. The Secretary of State
4 may provide for the printing of independent ballots containing the names of the nonpartisan
5 candidates for those voters not affiliated with a political party. Candidates shall be listed
6 on the official ballot in a nonpartisan election as provided in Code Sections 21-2-284.1 and
7 21-2-285.1, respectively. Except as otherwise specified in this chapter, the procedures to
8 be employed in conducting the nonpartisan election of clerks of superior court, judges of
9 state courts, judges of superior courts, Judges of the Court of Appeals, and Justices of the
10 Supreme Court shall conform as nearly as practicable to the procedures governing general
11 primaries and general elections; and such general primary and general election procedures
12 as are necessary to complete this nonpartisan election process shall be adopted in a manner
13 consistent with such nonpartisan elections."

14

SECTION 3.

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