

House Bill 1469

By: Representatives Boggs of the 145th, Powell of the 23rd, DeLoach of the 127th, Walker of the 115th, Crawford of the 91st, 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 elections and primaries generally, so as to provide that the General Assembly by local law
3 may provide for the nonpartisan election of clerks of the superior court, sheriffs, and tax
4 commissioners; to provide for the qualifying for such offices; to provide for related matters;
5 to provide an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
9 primaries generally, is amended by striking paragraph (2) of subsection (c) and subparagraph
10 (i)(1)(B) of Code Section 21-2-132, relating to filing notices of candidacy, nomination
11 petitions, and affidavits, and inserting in lieu thereof a new paragraph (2) and subparagraph
12 (B) to read as follows:

13 "(2) Each candidate for a county ~~judicial~~ office, a local school board office, or an office
14 of a consolidated government, except those offices which on July 1, 2001, were covered
15 by local Acts of the General Assembly which provided for election in a nonpartisan
16 election without a prior nonpartisan primary, or the candidate's agent, desiring to have
17 his or her name placed on the nonpartisan election ballot shall file notice of candidacy in
18 the office of the superintendent no earlier than 9:00 A.M. on the fourth Monday in April
19 immediately prior to the election and no later than 12:00 Noon on the Friday following
20 the fourth Monday in April, notwithstanding the fact that any such days may be legal
21 holidays."

22 "(B) Each candidate for a county ~~judicial~~ office, a local school board office, or an
23 office of a consolidated government, except those offices which on July 1, 2001, were
24 covered by local Acts of the General Assembly which provided for election in a
25 nonpartisan election without a prior nonpartisan primary, or the candidate's agent,
26 desiring to have his or her name placed on the nonpartisan election ballot shall file

1 notice of candidacy in the office of the superintendent no earlier than 9:00 A.M. on the
2 third Wednesday in June immediately prior to the election and no later than 12:00 Noon
3 on the Friday following the third Wednesday in June, notwithstanding the fact that any
4 such days may be legal holidays;".

5 SECTION 2.

6 Said chapter is further amended by striking subsection (a) of Code Section 21-2-139, relating
7 to the authorization of nonpartisan elections, and inserting in lieu thereof a new subsection
8 (a) to read as follows:

9 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General
10 Assembly may provide by local Act for the election in nonpartisan elections of candidates
11 to fill county judicial offices, the offices of sheriffs, the offices of tax commissioners, the
12 offices of clerks of superior court, offices of local school boards, and offices of
13 consolidated governments which are filled by the vote of the electors of said county or
14 political subdivision. Except as otherwise provided in this Code section, the procedures
15 to be employed in such nonpartisan elections shall conform as nearly as practicable to the
16 procedures governing nonpartisan elections as provided in this chapter. Except as
17 otherwise provided in this Code section, the election procedures established by any existing
18 local law which provides for the nonpartisan election of candidates to fill county offices
19 shall conform to the general procedures governing nonpartisan elections as provided in this
20 chapter, and such nonpartisan elections shall be conducted in accordance with the
21 applicable provisions of this chapter, notwithstanding the provisions of any existing local
22 law. For those offices for which the General Assembly as of July 1, 2001, pursuant to this
23 Code section, provided by local Act for election in nonpartisan primaries and elections,
24 such offices shall no longer require nonpartisan primaries. Such officers shall be elected
25 in nonpartisan elections held and conducted in conjunction with the general primary in
26 accordance with this chapter without a prior nonpartisan primary. For those offices for
27 which the General Assembly as of July 1, 2001, provided by local Act for election in a
28 nonpartisan election without a prior nonpartisan primary, such offices shall be elected in
29 nonpartisan elections held and conducted in conjunction with the November general
30 election without a prior nonpartisan primary. Nonpartisan elections for municipal offices
31 shall be conducted on the dates provided in the municipal charter."

32 SECTION 3.

33 This Act shall become effective upon its approval by the Governor or upon its becoming law
34 without such approval.

1 **SECTION 4.**

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