

House Bill 62

By: Representatives Powell of the 29th, Jamieson of the 28th, Roberts of the 154th, and Morris of the 155th

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, tax
4 receivers, tax collectors, and tax commissioners; to provide for the qualifying for such
5 offices; to provide for related matters; to provide an effective date; to repeal conflicting laws;
6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

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

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

1 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 third Wednesday in June immediately prior to the election and no later than 12:00 Noon
4 on the Friday following the third Wednesday in June, notwithstanding the fact that any
5 such days may be legal holidays;".

6 SECTION 2.

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

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

1 **SECTION 3.**

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

4 **SECTION 4.**

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