

House Bill 63

By: Representatives Powell of the 29<sup>th</sup> and Jamieson of the 28<sup>th</sup>

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