

House Bill 365

By: Representatives Drenner of the 86th, Benfield of the 85th, Mosby of the 90th, Bruce of the 64th, Morgan of the 39th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 45-5-1 of the Official Code of Georgia Annotated, relating to
2 vacating state offices, so as to designate a short title; to add a provision mandating that any
3 official that changes political party affiliation within 60 days of election or assuming the
4 duties of the office will be deemed to have vacated the office; 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 This Act shall be known as the "Truth in Representation Act of 2005."

9 **SECTION 2.**

10 Code Section 45-5-1 of the Official Code of Georgia Annotated, relating to vacating state
11 offices, is amended by striking in its entirety subsection (a) and inserting in its place the
12 following:

13 "(a) All offices in the state shall be vacated:

14 (1) By the death of the incumbent;

15 (2) By resignation, when accepted;

16 (3) By decision of a competent tribunal declaring the office vacant;

17 (4) By voluntary act or misfortune of the incumbent whereby he is placed in any of the
18 specified conditions of ineligibility to office;

19 (5) By the incumbent ceasing to be a resident of the state or of the county, circuit, or
20 district for which he was elected;

21 (6) By failing to apply for and obtain commissions or certificates or by failing to qualify
22 or give bond, or both, within the time prescribed by the laws and Constitution of Georgia;

23 **or**

24 (7) By abandoning the office or ceasing to perform its duties, or both: or

1 (8) By changing political party affiliation within 60 days of election or assuming the
2 duties of the office."

3 **SECTION 3.**

4 This Act shall become effective on July 1, 2005.

5 **SECTION 4.**

6 All laws and parts of laws in conflict with this Act are repealed.